

STATE OF SOUTH CAROLINA
JUDICIAL DEPARTMENT



ANNUAL ACCOUNTABILITY REPORT
FISCAL YEAR 2002 - 2003

September 15, 2003

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Accountability Report Transmittal Form

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SECTION I

EXECUTIVE SUMMARY

1 MISSION AND VALUES

By the adoption of Article V, Section 1, of the South Carolina Constitution, the people of this State established the Judicial Department as the administer of a unified judicial system (the Judicial Branch), one of the three co-equal branches of South Carolina State Government.¹ At some point, virtually all citizens of the state have contact with the Judicial Department, whether that contact is direct because of involvement in a civil dispute or criminal matter, or indirect because the citizen's life is impacted by a decision of a trial or appellate court which could involve local zoning, taxation, or interpretation of a state statute. The Judicial Department strives to provide a court system that not only is fair, but one that all citizens of the state perceive as treating all persons equally and as resolving all matters in an unbiased and just manner according to the law as established by the United States Constitution and the Constitution of South Carolina, state statutes and the common law.

The mission of the Judicial Department is to insure that an accessible forum is available for the resolution of civil disputes and criminal matters, and to resolve those cases in a fair and efficient manner.

Values are defined as the principles, goals, and standards held by society. The Judicial Department balances the tradition of the courts with its modernization by upholding its core values:

- Fundamental belief in justice for all
- Commitment to the people of South Carolina
- Focus on improving results
- Dedication to collaboration within the Judicial Branch and with appropriate outside entities
- Expectation of professional and ethical behavior

2 KEY STRATEGIC GOALS

The following significant efforts are planned for the Judicial Department:

- Increase the number of cases resolved by the Supreme Court, Court of Appeals, and Office of Disciplinary Counsel.
- Decrease the pending caseload within the Trial Courts of the state.
- Establish reliable, high-speed internet connectivity to all judicial facilities and judicial

¹ Throughout this report, the term "Judicial Department" includes those departments and divisions directly funded by the State. The term Judicial Branch refers to all entities included in the unified judicial system, funded both by the State, and by counties and municipalities.

personnel in the state (all eight levels of court). During fiscal year 2003 – 2004, connectivity for the circuit and family court judges in the 46 counties will be completed.

- Increase the efficiency of the day-to-day court operations with the deployment of the statewide court case management system.
- Finalize the revised bar admissions rule and application form. Begin the process of developing an online bar admissions application.
- Develop a Code of Conduct for County Clerks of Court and amend the Code of Conduct for Law Clerks and Staff Attorneys.
- Increase services provided through the Judicial Department Web site:
 - ❑ Additional procedure manuals
 - ❑ Educational resources
 - ❑ Judicial Ethics Advisory Opinions
 - ❑ Forms downloadable or able to be completed online
 - ❑ Intranet
- Enhance the current Oath of Office for lawyers and judges to emphasize professionalism.
- Expand educational opportunities for Judicial Branch personnel.

3 OPPORTUNITIES AND BARRIERS

3.1 Opportunities

Opportunities for the Judicial Department for FY 2003 - 2004 are based on further leveraging the resources and skills of all Judicial Branch entities as follows:

- The Judicial Department continues its multi-year initiative to modernize the judicial system through the incorporation of technology into the everyday court operations. The Judicial Department will continue partnerships with other state and federal agencies, including SLED, DPS, SCDC, DPPP, Department of Revenue, Election Commission, and the Office of the State CIO. In addition, the Judicial Department will continue its close collaboration with each of the 46 counties.
- Homeland Security is currently on the forefront of public awareness. The criminal justice system, specifically law enforcement and the courts, have become a focus of emphasis for public safety. The threat posed by terrorism is highlighting how the courts are central to the judicial system, which is critical for a civilized society.
- As a result of the financial crises that have gripped state government, the Legislature has not been able to adequately fund this separate branch of government through the budget process for the last two years. However, it did authorize the Judicial Department to begin receiving funds from increased court fees. Legislation was effective July 1, 2002, that increased filing fees in circuit court and imposed a fee for filing motions in circuit and family court. The amounts received as a result of this legislation did not restore the Judicial Department's budget cuts, but they were a source of much needed revenue. During the past year, the Judicial Department has taken a proactive approach to collecting these revenues authorized by the Legislature. By working with the County Clerks of Court, the County Treasurers, and

the Office of the State Treasurer, the remittance of these funds and other funds from the county level to the state level and, ultimately, to the end recipients has improved.

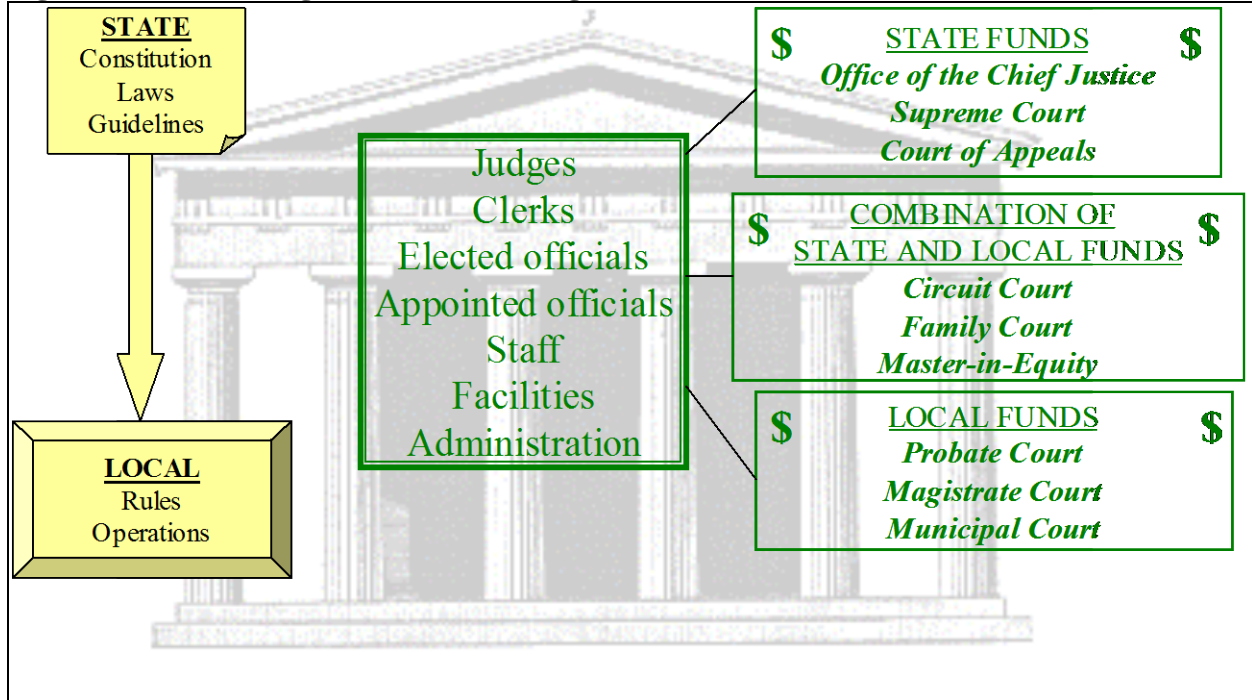
3.2 Barriers

The Judicial Department's ability to meet its goals is directly affected by constitutional mandates and separation of powers. Criminal prosecution is an Executive Branch function, and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial arm of state government. The Legislative Branch enacts legislation that impacts the Judicial Department's ability to meet its goals, as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department. The level of funding provided to the Judicial Department by the Legislative Branch is the overwhelmingly determinative factor in the quantity and quality of resources available to achieve the Judicial Department's objective to provide an efficient forum for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the Executive Branch and citizens. The barriers created by inadequate funding are as follows:

- Funding for the Judicial Branch of State government for the fiscal year remains at less than $\frac{3}{4}$ of 1% of total state appropriation. The continuing budget cuts have decimated the operating budget and affected the Judicial Department's ability to fund programs above subsistence levels. As a result, funds for Judicial Commitment have been eliminated and limited payments are being made from funds provided by the Department of Mental Health. Payments to interpreters for the hearing-impaired and non-English speaking court participants continue to be reduced. Funding for Alternative Dispute Resolution program is not available, as this program has been transferred to the South Carolina Bar. Judicial travel to accomplish constitutionally-mandated circuit rotation has been eliminated with very few exceptions. The Judicial Department's State appropriation has been reduced to \$32.1 million, which is not sufficient to cover salaries and employer contributions for all Judges and staff, much less any operating expenses. A much larger portion of salaries and employer contributions are dependent on funding from other sources.
- Additional revenue was provided for the current fiscal year through the Law Enforcement Funding proviso, which directs $3\frac{3}{4}$ % of the proceeds from this \$25 fee (94 cents) to the Judicial Department. This new fee is helpful, but still leaves a severe shortage in needed Judicial Department funding. This proviso also allows some funding relief for recurring expenditures for the Judicial Department on a one-time basis in the current year. This one-time funding means that in addition to dealing with budget cuts in the current year, the Judicial Department already expects part of this year's funding to be unavailable next year.
- Although turnover rates for Judicial Department employees remain low, they are beginning to rise. The mandatory furloughs Judicial Department employees took in 2002, coupled with the rise in insurance rates and the realization of further budget cuts, will likely be a barrier to retaining experienced employees and hiring qualified employees to fill vacancies.
- Further, the ability to provide adequate services for all levels of the unified judicial system relies in large part on local funding. County and municipal governments bear responsibility to provide funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs. Figure 3.2-1 illustrates the

combination of state and local funding sources that are required to operate the eight levels of court constituting the Judicial Branch.

Figure 3.2-1: Funding Sources for the Eight Levels of Court



4 MAJOR ACHIEVEMENTS

Through the combined efforts of judges, administration and staff, the Judicial Department has attained notable achievements this year. Some of the accomplishments significantly improved specific operations within the courts while others have begun changing the paradigm, culture and mindset of individuals working in and with the Judicial Branch. Seven major achievements have been identified:

- The Chief Justice was recognized nationally by *Government Technology* magazine as one of the Top 25 Dreamers, Doers, and Drivers who played key roles in strengthening government operations in their jurisdictions and improving the services delivered to citizens.
- The Chief Justice was recognized by the Center for Digital Government with its “In the Arena” award, which reflects on the Judicial Department’s accomplishments as a whole.
- The Solicitors’ Pilot Differentiated Case Management Project successfully reduced the criminal backlog of pending cases in Richland County by nearly one-third. In this jurisdiction, a total of 11,450 cases were disposed during the 12-month project, resulting in a reduction of the backlog by 2020 criminal cases in one of the largest counties in the state. Differentiated Case Management is also being utilized in York, Greenville, Orangeburg, and Horry counties.
- The Clarendon County courthouse and judicial facilities on the main county complex were equipped with reliable, high-speed Internet connectivity, which is being heavily utilized in

the “Equity in Education” case. The Judicial Department contributed the bulk of the funding for the Clarendon project. This technology infrastructure is representative of the efforts being made with each of the 46 counties pertaining to judicial connectivity and technology. This infrastructure is the foundation for the incorporation of technology statewide in the Judicial Branch. By the end of this past fiscal year, 43 of the 46 clerks of court now have reliable, high-speed Internet connectivity in the main county courthouse. All of them now use e-mail, and nearly all of them are posting their court rosters online.

- The general public, legal community and law enforcement’s reliance upon the Judicial Web site increased significantly throughout the year. By the end of the fiscal year in June, more than 2,000,000 hits per month were being received. Functionality of the Web site greatly increased by posting items such as the magistrates benchbook, Clerk of Court manual, forms, summary of issues for cases to be argued before the Appellate Courts, and summaries of the published opinions of the Appellate Courts.
- The Judicial Department Call Center was completed, providing enhanced support and training services to judicial users across the state.
- The Supreme Court enacted Rule 41.1, SCRCP, prohibiting secret settlements except in specific, exceptional circumstances.

5 HOW THE ACCOUNTABILITY REPORT IS USED TO IMPROVE ORGANIZATIONAL PERFORMANCE

Throughout the year, the Chief Justice and Executive Team uses the Accountability Report as a tool to assess progress towards goals and make adjustments in priorities and resource assignments and allocations as required.

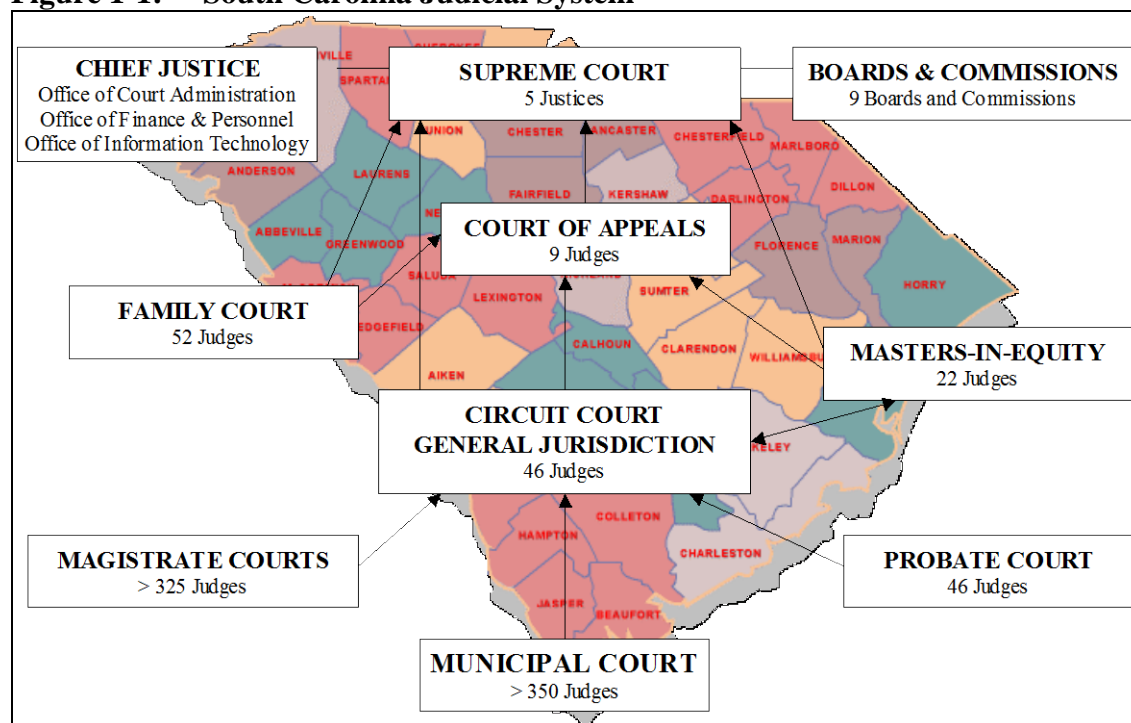
SECTION II

BUSINESS OVERVIEW

1 DESCRIPTION OF NUMBER OF EMPLOYEES, LOCATIONS, KEY CUSTOMERS AND SUPPLIERS

The organizational structure of the Judicial Branch is shown in Figure 1-1.

Figure 1-1: South Carolina Judicial System



The Judicial Department has a total of 556 employees with court facilities located throughout the state. The Supreme Court, Court of Appeals, Office of the Chief Justice and Court Administration are located in Columbia, with the other courts facilities and personnel located throughout the 46 counties. Table 1-1 identifies the various types of employees working for the Judicial Department.

The key customers and stakeholders of the Judicial Branch include:

- Litigants and counsel
- Grievants
- Non-litigants participating in court proceedings
- Judges, clerks and staff at the locally-funded level
- Members of the South Carolina Bar
- Applicants
- Media
- General public

The key suppliers of the Judicial Department are the customers (citizens of South Carolina, agencies, businesses, etc.) of the other two branches of government, as those branches respond to the changing needs of their customers. The Legislative Branch enacts new statutes providing greater or different rights and protections for citizens. The Executive Branch, through the solicitors and Attorney General, and the citizens of the State enforce the legislative enactments. The Judicial Branch then provides a forum for the interpretation of these enactments.

Table 1-1: Judicial Branch Employees

NUMBER OF EMPLOYEES	DESCRIPTION	LOCATION	FUNDING SOURCE
14	Justices and Appellate Judges	Court in Columbia; Offices throughout the state	State
98	Circuit and Family Court Judges	Throughout the 46 counties	State
368	Law clerks, court reporters, judges' administrative assistants, appellate court clerks and staff attorneys	Throughout the 46 counties	State
76	Court Administration, Finance and Personnel, Information Technology, and Office of Disciplinary Counsel	Columbia	State
22 + Staff	Masters-in-Equity Judges	Throughout the 46 counties	County
46 + Staff	County Clerks of Court	Each of the 46 counties	County
18 + Staff	Registers of Deeds	Throughout the 46 counties	County
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General's Office
46 + Staff	Probate Judges	Throughout the 46 counties	County
325 + Staff	Magistrates	Throughout the 46 counties	County
350 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities

2 DESCRIPTION OF MAJOR PRODUCTS AND SERVICES

The Judicial Department manages the statewide unified judicial system. The major products and services of the South Carolina courts can be categorized in two areas: (1) adjudication and (2) administration.

2.1 Adjudication

Supreme Court

The Supreme Court decides appeals and also reviews decisions of the Court of Appeals. The Supreme Court provides the litigants with a resolution of the matter from the highest court in the state, and interprets and develops the law of this state. The Supreme Court's published decisions serve as binding precedent on all other courts in this state and, therefore, serve as a framework for how cases will be decided in the future, providing stability and predictability in the law. Thus, the Supreme Court is a law-giving court, not simply an error-correcting court.

In addition to reviewing decisions made by other courts in South Carolina, the Supreme Court can issue writs and decide actions in its original jurisdiction. When the Supreme Court exercises its original jurisdiction, the matter involves issues that are of significant public interest. Finally, the Supreme Court may agree to answer questions of law submitted by federal courts or appellate courts of another state when South Carolina law may be determinative of the action pending in the other jurisdiction.

Court of Appeals

The Court of Appeals is an intermediate appellate court. The Court of Appeals reviews decisions of the lower courts and, sitting in panels of three judges, is able to decide cases by applying the law to the facts presented. The Court of Appeals operates primarily as the first, careful reviewer of trial court proceedings, correcting errors of law. The published decisions of the Court of Appeals, unless overruled by the Supreme Court, serve as precedent for the trial courts.

Circuit Courts

Circuit courts are South Carolina's trial courts of general jurisdiction. The courts of common pleas provide a forum for the resolution of civil disputes involving sums greater than \$7,500. Common pleas courts are available to issue injunctions to provide immediate relief and time for a thorough assessment of a particular situation, for example "immediately, yet perhaps temporarily stop the demolition of an historic landmark." Also, through the Chief Justice's appointment of one judge to hear the entirety of a complex civil action, the circuit courts are able to resolve cases involving numerous parties and varied, complex causes of action. In criminal cases, the court of general sessions protects the rights of the accused to a fair and impartial trial, protects the rights of the victim, and balances public safety and the goals of punishing and rehabilitating a convicted offender. In the capital cases, again through the Chief Justice's appointment of one judge to preside over the case, the court of general sessions is able to provide continuity in decision making in these often highly emotional and difficult cases.

Family Courts

The family courts provide a forum for the dissolution of a marriage and the division of marital assets. These courts hear and decide actions involving the most intimate details of citizens' lives and do so in a manner that strives to preserve the litigants' privacy while protecting the public's right of access to the courts. Family courts also hear and decide abuse and neglect proceedings as well as child support matters, protecting the most vulnerable of South Carolina's citizens. Family courts also issue orders of protection from domestic abuse for abused family or household members.

Family courts adjudicate juvenile delinquency matters, working with a multitude of executive agencies as these courts balance public safety with the rehabilitative goals of the juvenile justice system.

Masters-in-Equity

The master-in-equity courts are an extension of the court of common pleas, the civil side of the circuit court. These courts resolve civil cases that do not require a jury trial and typically involve contract disputes over property or construction and real estate foreclosures. Generally, masters-in-equity are able to provide a more rapid resolution of these matters for litigants than if the matter were heard by the circuit court.

Probate Courts

The probate courts provide citizens with a forum to probate wills and settle disputes over the distribution of the assets of estates. Probate courts also preside over proceedings for involuntary commitments, insuring that the rights of citizens who are suffering from a disability requiring involuntary commitment are protected while also insuring that, if necessary, these citizens receive treatment. In addition, South Carolina marriage licenses are issued by the probate courts.

Summary Courts

The summary courts comprise both Magistrates and Municipal courts, which resolve the majority of cases filed in South Carolina. Magistrates hear a wide variety of disputes between citizens, such as landlord tenant cases and contract cases involving less than \$7,500. Magistrates also issue orders for protection from domestic abuse, restraining orders, and warrants assisting in criminal investigations. The summary courts set bonds and resolve criminal cases with lesser penalties. The process for setting bonds is standardized statewide so all citizens who are arrested and seek to be released on bond receive a timely hearing. Municipal courts only have criminal jurisdiction.

Jury Service

Jury service in circuit, magistrates, and municipal courts is mandated by Art. I, § 14, of the South Carolina Constitution and Rule 38, SCRPC, which provide for jury trials. The purpose of this provision is to allow for parties to have their disputes decided by their peers.

2.2 Administration

Supreme Court

The Chief Justice and the Supreme Court issue orders and adopt rules governing the courts, judges, lawyers, and various commissions and boards of the Supreme Court. The Chief Justice, as the administrative head of the Judicial Branch, is responsible for the operation, both adjudicative and administrative, of the courts in the statewide unified judicial system.

Office of Bar Admissions

The Office of Bar Admissions is responsible for processing applications of individuals seeking admission to practice law in South Carolina. Additionally, it processes requests to be certified as lead counsel in death penalty cases, requests for approval of trial experiences required before a

lawyer may appear alone in the trial of a case, applications for out-of-state attorneys to appear in South Carolina courts *pro hac vice*, and requests for certificates of good standing for members of the South Carolina Bar. Finally, it assists the Board of Law Examiners in conducting the South Carolina Bar Examination and assists the Committee on Character and Fitness as it determines whether each applicant has the requisite character to be a member of the South Carolina Bar. The Board of Law Examiners and the Committee on Character and Fitness ensure that lawyers have the requisite legal knowledge, skills, and character to competently and ethically handle the legal affairs of the citizens of South Carolina.

Office of Disciplinary Counsel

The Office of Disciplinary Counsel investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in South Carolina and of judges who are part of the state unified judicial system. Matters handled by the Office of Disciplinary Counsel are filed with and processed through either the Commission on Lawyer Conduct or the Commission on Judicial Conduct, with many of these matters being finally decided by the State Supreme Court. The purpose of the disciplinary system is to protect citizens from attorneys or judges who, because of flaws in their character or skills or because of mental or physical incapacity, could pose a danger to the public if they are allowed to continue practicing law or presiding over court proceedings.

Court Administration

Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system. This office has a wide range of responsibilities and duties, which include recommending to the Chief Justice the scheduling of terms for circuit and family court, assigning judges to preside over these terms, and scheduling and supervising the court reporters who transcribe the proceedings. Court Administration provides assistance to individual courts in jury management, record keeping, and case processing procedures. It supplies reports and documents to the Legislative and Executive branches. The office conducts mandatory legal education programs for magistrate and municipal court judges and orientation schools for new judges and clerks of court. The office also coordinates planning for the annual Judicial Conference and for the annual Circuit Court Judges and Family Court Judges Association meetings. In addition, Court Administration staffs several advisory committees that were established to provide advice and recommendations on improving the administration of the judicial system. These committees include the Circuit, Family and Probate Court Judges Advisory Committees, Clerks of Court And Registers of Deed Advisory Committee, and Court Reporters Advisory Committee.

Finance and Personnel

The Office of Finance and Personnel is responsible for the Judicial Department's internal fiscal operations. In addition to budgetary management, this Office is responsible for all personnel matters, payroll and purchasing for the Judicial Department.

Office of Information Technology

The Office of Information Technology (IT) is overseeing and directing the implementation of the statewide Strategic Technology Plan to modernize the Judicial Branch. IT provides technology

support to the Judicial Department, including hardware, office automation and electronic legal research software. IT also manages the Judicial Department network, provides technology training, develops applications, performs data entry functions, prepares reports, and provides other technology services to the Judicial Branch, including support for rural county IT systems. In addition, the office provides a centralized call center, which has improved the technology support capabilities provided by the Judicial Department IT.

County Clerks of Court

Clerks of Court are popularly elected in each county to four-year terms. By state statute, the clerk of court is the official record keeper for court records filed in each county. The clerk of court staff is the daily interface for the handling of court files for the judges, attorneys, and public. They also respond to request for records from federal, state, and local agencies. In addition to their other duties, clerks of court collect and disburse court-ordered child support payments, issue Rules to Show Cause in cases where court orders have not been followed, and file all court orders, including orders of protection from domestic abuse. Some clerks of court also serve as the county register of deeds. **Registers of Deeds** are responsible for recording all property transactions and maintaining these records.

3 EXPENDITURES AND APPROPRIATIONS

The expenditures and appropriations for the Judicial Department for FY 2002– 2003 are listed in Tables 3-1 and 3-2. Interim budget reductions for FY 2002-2003 are listed in Table 3.3.

Table 3-1: Base Budget Expenditures and Appropriations

Major Budget Categories	01-02 Actual Expenditures		02-03 Actual Expenditures		03-04 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$27,069,808	\$25,885,931	\$26,869,109	\$24,279,856	\$23,384,598	\$21,981,785
Other Operating	\$5,173,330	\$3,271,606	\$4,076,691	\$1,148,927	\$5,184,000	\$684,000
Special Items	\$233,634	\$233,634	\$3,402,040	\$	\$5,114,107	\$52,000
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$	\$	\$297,660	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$10,468,721	\$9,776,138	\$10,622,654	\$9,873,233	\$9,897,227	\$9,416,475
Non-recurring	\$	\$	\$	\$	\$	\$
Total	\$42,945,493	\$39,167,309	\$45,268,154	\$35,302,016	\$43,579,932	\$32,134,260

Table 3-2: Other Expenditures

Sources of Funds	01-02 Actual Expenditures	02-03 Actual Expenditures
Sources of Funds	01-02 Actual Expenditures	02-03 Actual Expenditures
Supplemental Bills	\$950,885	\$384,945
Capital Reserve Funds	\$665,510	\$0
Earmarked Receipts	\$0	\$6,085,657

Table 3-3: Interim Budget Reductions

Total 01-02 Interim Budget Reduction	Total 02-03 Interim Budget Reduction
\$5,621,219	\$6,358,757

SECTION III

ELEMENTS OF MALCOLM BALDRIGE AWARD CRITERIA

CATEGORY 1 – LEADERSHIP

1. How do senior leaders set, deploy and communicate:

(a) short and long term direction?

The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. She, supported by the other members of the Supreme Court and her Executive Team, sets short- and long-term policies for the Judicial Branch. The Executive Team is composed of the Director of Court Administration, the Clerk of the Supreme Court, the Clerk of the Court of Appeals, Disciplinary Counsel, the Director of Information Technology, the Director of the Office of Finance and Personnel, and the Chief Staff Attorney of the Supreme Court. The Executive Team holds monthly meetings to discuss progress and obstacles to achieving Judicial Branch objectives. These meetings also include a periodic review of the Accountability Report goals. In this manner, the Executive Team has been able to remain focused on achieving the primary goals and objectives of the Judicial Department without diverting too much attention to the numerous everyday distractions that surface and vie for the limited time and resources of the organization. The Chief Justice meets with the Executive Team when necessary and calls meetings when critical issues need to be addressed.

The Chief Justice is involved in a hands-on capacity in many of the initiatives of the Judicial Department, which requires her to work with the individuals on the Executive Team and staff on a daily basis. The Judicial Department holds staff meetings with the judicial personnel in the Supreme Court and Calhoun buildings at least twice per year, which are hosted by the Chief Justice. These staff meetings are informative, promote development of working relationships among personnel from the various divisions, and try to be enjoyable for the employees to further encourage teamwork.

The Chief Justice and members of the Executive Team participate in meetings and conferences that are held across the state at various times throughout the year. These presentations and discussions enable the direction of the Judicial Department to be readily communicated in person to judges, court reporters, clerks of court, the South Carolina Bar Association, South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association and other participants in the unified judicial system including SLED, DPS, SCDC, DPPP, Solicitors, and Public Defenders.

Through her annual State of the Judiciary address to the General Assembly, the Chief Justice outlines the direction of the Judicial Branch to members of the General Assembly and the general public.

(b) performance expectations?

Performance expectations of the Judicial Department are now established through several different means. The Judiciary has guidelines and some laws that are set forth by the federal government with regards to case types and timeframes. State legislation and guidelines are established in accordance with these federal rules. The increased emphasis on homeland security is putting further scrutiny on the performance of the Judicial Department.

The law enforcement sector of the criminal justice community is engaged in numerous efforts throughout the state to analyze the crime rates and putting in place projects to reduce them. These efforts are in turn establishing criteria for the Judicial Department to appropriately process the necessary court cases. A pilot differentiated court case management project was conducted this year in Richland County that focused on reduction of the backlog of criminal cases in General Sessions Court. This joint effort, developed with many other organizations in the criminal justice community, was successful in reducing the backlog by nearly one-third in a single calendar year in one of the largest jurisdictions in the state. Orangeburg County now has a similar Judicial Department sponsored pilot project underway utilizing grants from the S.C. Department of Public Safety (DPS). York, Greenville and Horry counties also have similar projects underway being led by the solicitor in each of those judicial circuits.

The Judicial Department deploys and communicates performance expectations through a combination of reports and presentations. The caseloads of the Circuit and Family Courts are reported and aggregated by Court Administration on a monthly basis. Training is conducted for all Clerks of Court and Chief Administrative Judges on the review and analysis of these reports, which now are only available electronically. Having the Chief Administrative Judges, Clerks of Court, and Court Administration reviewing these reports on a monthly basis has improved the accuracy of the reports and, in some cases, reduced the backlog because of the heightened awareness of the needs of particular courts.

For the past two years, a colored map of the counties in the state has been used to visually illustrate counties with reliable, high-speed network and Internet connectivity and those without it. This map is called the “Go for the Gold” map. Leaders in many of the counties without the connectivity have begun to get the local communities involved to acquire the connectivity so that their county can begin to be discussed at the statewide meetings as a “can do” county instead of one still hoping. These types of tools have begun to create peer pressure because peers are viewing, assisting each other, and helping to increase productivity just by increasing the awareness of the situations.

(c) organizational values?

The values of the Judicial Branch, as described in the Executive Summary, have evolved through time and tradition. Values are communicated and taught by the Chief Justice and members of her Executive Team primarily through the performance of daily work activities, which range from face-to-face contact with staff, customers, and stakeholders to deciding cases to disciplining lawyers in order to protect the public to participating in conferences and meetings of Judicial Branch entities.

(d) empowerment and innovation?

The empowerment and innovation within the Judicial Branch must occur within the constraints established by the law since the role of the judiciary is to interpret the law. In accordance with these constraints, individual creativity is encouraged through the performance of individual jobs and working with other team members. Senior leaders within the Judicial Department are working managers integral to case and project teams.

(e) organizational and employee learning?

The Judicial Department provides training for newly elected circuit and family court judges and county clerks of court. A two-week orientation school is provided for all newly appointed summary court judges. This past fiscal year, the Judicial Department conducted the first five-day training seminar on civil and criminal law for summary court judges. This seminar will be followed by periodic one-day educational sessions throughout the upcoming year. A mandatory annual Judicial Conference is held for all appellate, circuit and family court judges, masters-in-equity, law clerks and staff attorneys. Magistrates are required to attend annual meetings for continuing education purposes. In addition, the Office of Disciplinary Counsel provides an orientation program for all attorneys employed or appointed to work on disciplinary matters. All employees participate in technology training, which focuses on applications used by the Judicial Branch both at the state and county level.

Department attorneys also must comply with annual continuing legal education requirements. This past fiscal year, the Judicial Department instituted a program of monthly one-hour CLEs for department lawyers. These CLEs focus not only on topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law.

Grant and scholarship opportunities are sought to provide continuing judicial education on substantive topics for family, circuit, probate and summary court judges. Within the constraints of the budget, circuit and family court judges attend the National Judicial College in Reno, Nevada, which provides intensive training. Appellate judges take courses at the Institute of Judicial Administration at NYU and attend educational and professional seminars and conferences. Senior staff attorneys attend national conferences, as do the clerks of the appellate courts. Further, the Judicial Department has sent a team to the last four National Center for State Courts Court Technology Conferences, both as participants and speakers. At this year's Court Technology Conference to be held in October 2003, the Chief Justice will be one of the keynote speakers.

Because of budget constraints, the Judicial Department cannot fully subsidize professional development for employees, but as finances permit, employees have attended writing and professional courses. In addition, the Judicial Department allows employees to arrange their work schedules to take courses that will enhance relevant professional skills. As a result, several judges are pursuing Master degrees in programs such as Judicial Studies and Bilingual Legal Interpretation.

(f) ethical behavior?

The *Code of Judicial Conduct*, the *Rules of Professional Conduct*, the *Code of Conduct for Staff Attorneys and Law Clerks*, and the *Rules on Political Activity for Judicial Department Employees and Officers* were all adopted by the Supreme Court after soliciting and receiving comments from the legal community, the general public and staff. All new employees are provided with training on ethical behavior, and ethics training is always included in seminars attended by judges and lawyers. Senior leaders monitor ethical behavior of their staff, and the Office of Disciplinary Counsel oversees the ethical behavior of all lawyers and judges within the Judicial Branch under the guidelines promulgated by the Supreme Court in the *Rules for Lawyers and Judicial Disciplinary Enforcement*.

2. How do senior leaders establish and promote a focus on customers?

The Judicial Department focuses on its customers through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of such meetings and conferences from the annual statewide judicial conference to county council meetings.
- Staff members attend legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch.
- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.

From the Clerk of Court counters to judges' chambers to the Web site, everyone within the Judicial Department interacts with customers on a daily basis.

3. What key performance measures are regularly reviewed by your senior leaders?

The mission of the Judicial Branch is the fair and timely resolution of disputes. Therefore, case processing is the critical performance measure that is regularly reviewed as follows:

- The Supreme Court meets semi-monthly to review outstanding cases.
- The Court of Appeals meets monthly to review outstanding cases.
- Court Administration reviews the caseloads of each circuit, family and probate court on a monthly basis and conducts periodic audits of local case records.
- Court Administration reviews the caseloads of each magistrate and municipal court on an annual basis.
- Court Administration monitors court reporter transcript productivity on a monthly basis.
- The Chief Justice reviews a report on outstanding orders of each circuit and family court judge on a monthly basis.

Technology support and infrastructure performance required to keep the Judicial Department operating both efficiently and effectively are reviewed through system logs and division and team staff meetings.

4. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the effectiveness of management throughout the organization?

In as much as the senior leaders within the Judicial Department are working managers integral to case and project teams, findings and feedback are constantly received by the Executive Team from staff, customers, and stakeholders. BearingPoint, the systems integrator for the Judicial Department, requires its leadership to participate in leadership training directed towards improving the management of organizations. With the assistance of BearingPoint, the Executive Team intends to learn and incorporate the techniques of Situational Leadership during the upcoming year.

5. How does the organization address the current and potential impact on the public of its products, programs, services, facilities and operations, including associated risks?

As discussed in **Section III Category 6 –Process Management**, the Judicial Department identifies those individuals and groups affected by the Judicial Branch's operations and solicits their advice when addressing changes to the Judicial Branch's operations. The Clerks of Court Advisory Board, Judges Associations, and Judges Advisory Committees are examples of judicial committees established to provide guidance, new ideas, and assess impact to judicial personnel and the public.

Input, in the form of requests for comments and public hearings, is also actively sought prior to changes being made in court rules and operations. Proposed changes to court rules are posted on the “What’s New” page of the Judicial Department’s Web site. Also, the South Carolina Bar currently provides an “E-Blast,” free of charge to subscribers, which sends out a weekly electronic message detailing proposed changes to court rules and operations in the Judicial Branch, assisting the Judicial Department in receiving this information.

The Judicial Department leveraged resources available to it by obtaining expert advice of University of South Carolina faculty and by modeling the methods in use by the Budget and Control Board. Two pilot programs were begun to gauge customer satisfaction. The Clerk’s Office of the Court of Appeals began sending anonymous surveys to parties after a case is docketed. The survey asks for an evaluation of the promptness, accuracy, and courtesy parties experienced from the Clerk’s Office staff. The surveys are used to determine whether parties are receiving appropriate service from the Clerk’s Office. In addition, the Office of Finance and Personnel, using similar techniques, began soliciting feedback from new and departing employees regarding their satisfaction with the services of the Office of Finance and Personnel.

6. How does senior leadership set and communicate key organizational priorities for improvement?

The Chief Justice and her Executive Team are constantly reviewing and monitoring the current projects, initiatives, workloads, and resource assignments of the judicial organization(s) as well as requests from customers and stakeholders. Through staff meetings, project team meetings, Executive Team meetings, and board and committee meetings, these items are evaluated against the vision and mission of the Judicial Department. These assessments are then used to adjust organizational priorities as necessary. Through the collaborative teams and numerous speaking engagements of the Chief Justice and Executive Team, Judicial Department priorities are constantly being communicated.

7. How does senior leadership and the agency actively support and strengthen the community?

The *Code of Judicial Conduct* restricts judges’ participation in extra-judicial activities which may cast reasonable doubt on the judge’s capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial activities. However, these restrictions have not limited judges’ participation in community activities. Many judges are active in church and religious organizations, serving as members, officers, sponsors and youth sports coaches. Several judges actively serve our country through participation in the United States military. Historic preservation is high on the list of several of our judges who have introduced and, in several instances, sponsored, initiatives to restore historic buildings and sites. Education is also very important to judges. Many are members of alumni associations, education committees, and mentor programs. In addition, they participate in mock trials, seminars, lectures, and small productions at local community theaters. In recognition of their efforts, judges have been honored as Citizen of the Year in their communities, and some have received the state’s highest civilian honor – The Order of the Palmetto.

Likewise, the Code of Conduct for Staff Attorneys and Law Clerks restricts the activities of Judicial Department attorneys. Within these confines, the senior leadership has actively supported and strengthened the community by supporting Harvest Hope and United Way, and staff members have

participated in the Families Helping Families Christmas project. Senior leaders are also sensitive to the needs of parents to attend children's school-related activities and allow flexibility in scheduling lunch and breaks to permit attendance. In addition, staff members who are lawyers are encouraged to strengthen the legal community by lecturing at continuing legal education seminars and teaching legal writing and research courses at the University of South Carolina School of Law.

Finally, Supreme Court and Information Technology staff is currently working in conjunction with the South Carolina Bar to add educational resources to the Judicial Department Web site. These resources, which are modeled on Wisconsin's Court With Class Program as well as similar programs from other states, will provide opportunities for middle school and high school students from across the state to learn about the South Carolina Supreme Court and the judicial process, observe oral argument, interact with the members of the Supreme Court, and study cases pending before the Court. The cases chosen for this program will involve legal issues and factual scenarios that are age-appropriate for the students and that expose them to different areas of the law. Students will also be able to take a virtual tour of the Supreme Court building on the Web site. The Case of the Month program will be introduced as a pilot project to selected teachers and students from around the state during the upcoming school year.

CATEGORY 2 – STRATEGIC PLANNING

The Judicial Department conducted a detailed, in-depth strategic planning project focused upon the technology infrastructure of the South Carolina Courts from June to December 2000. This strategic technology plan and the primary technology initiatives identified in this plan began serving as the foundational strategy for the Department in January 2001 and continue to do so today. This plan constitutes a "living" document providing direction while constantly being adjusted to meet changing needs and evolving requirements. The execution of these technology initiatives and their results, combined with the changes in state law, are currently driving the needs, expectations, and changes in all divisions of the Judicial Branch, not only in technology.

1. What is your Strategic Planning process, including participants, and how does it account for:

- **Customer needs and expectations**
- **Financial, societal and other risks**
- **Human resource capabilities and needs**
- **Operational capabilities and needs**
- **Supplies/contractor/partner capabilities and needs**

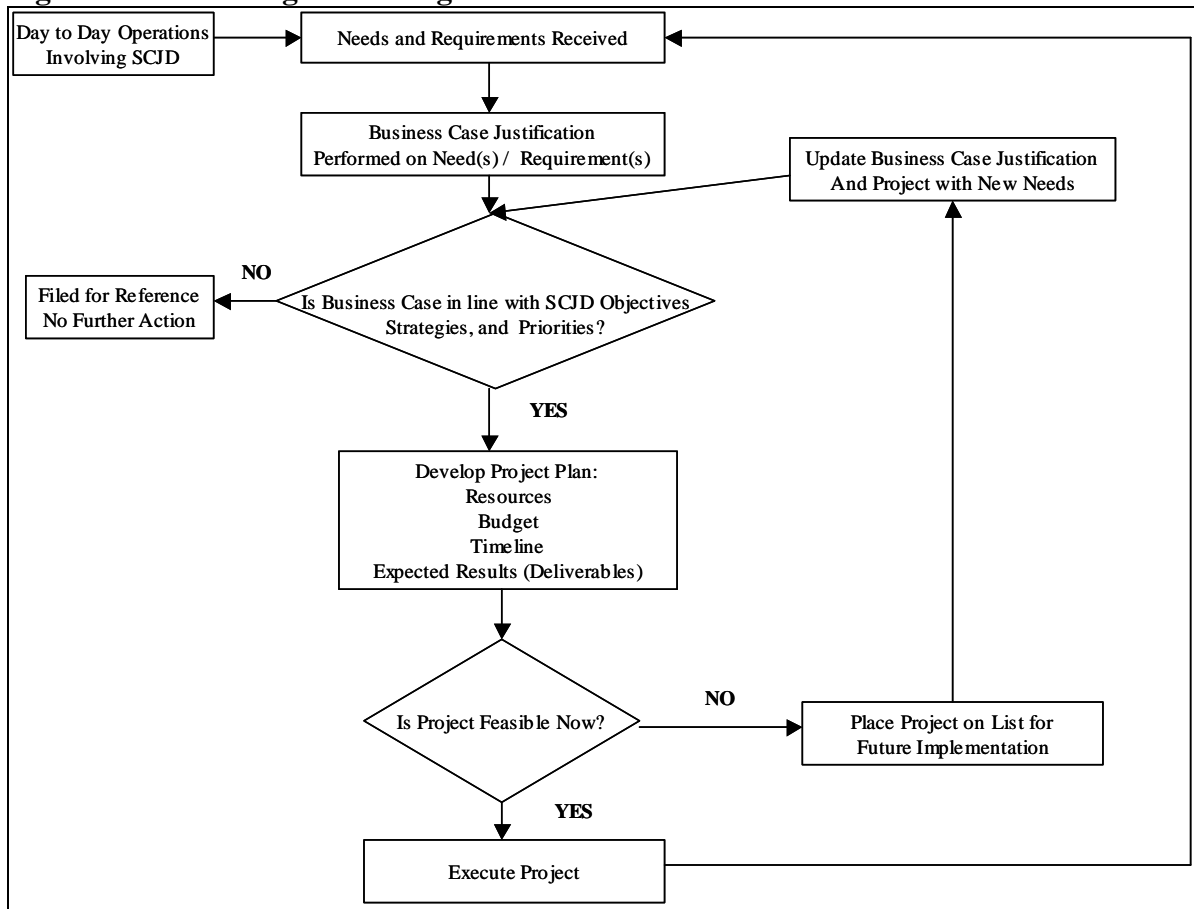
The principles, concepts and techniques employed in the technology initiatives flow over into other functions of the Judicial Department, not least because all divisions and personnel within the Judicial Department have engaged with and are incorporating the benefits of the technology initiatives. More significantly, however, Judicial Department strategic planning for technology has resulted in the development of a cluster of organizational tools applicable to strategic planning in other areas. Divisions within the Judicial Department have recognized the benefits gained by using the strategic planning process as illustrated in Figure 2.1-1 to respond flexibly to customer needs and expectations and to improve traditional processes. This planning is carried out in both standing and ad hoc groups

and may also include judges, law clerks, and staff attorneys as well as other entities within the Judicial Branch.

Anyone involved with the Judicial Branch can submit needs, requirements and a business-case justification. The Executive Team determines whether a project is implemented.

Work with suppliers/contractors/partners is planned, procured, and implemented under the guidance and resources of the Procurement Office within the Office of the Chief Information Officer under the Budget and Control Board.

Figure 2.1-1: Strategic Planning Process



The Judicial Department performs strategic planning throughout the year. It is viewed as an ongoing process, not an exercise performed just once a year. The South Carolina Code of Laws, published opinions of the Supreme Court and the Court of Appeals, and the Department's strategic technology plan serve as the guiding documents for strategic planning decisions.

2. How do you develop and track action plans that address your key strategic objectives?

Action plans are developed and tracked through the review of three primary factors: results/deliverables, timeframes and resources. For example,

- Justices of the Supreme Court meet on a semi-monthly basis to review outstanding cases awaiting decision. The Clerk of the Supreme Court, along with the Chief Justice, reviews cases awaiting oral argument monthly to determine how many and which cases will be scheduled for oral argument in the next month and adjusts the Court's schedule as necessary.
- The Chief Staff Attorney's office at the Supreme Court reviews incoming matters on a daily basis to determine which may need immediate action and reviews cases and caseloads on a weekly and bi-weekly basis in accordance with the Supreme Court's court schedule. Matters needing immediate attention are assigned to senior staff attorneys to be processed accordingly.
- The Clerk of the Court of Appeals tracks the length of time a mature case needs to come before a panel for decision and reports to the Chief Judge, who determines the steps required for any adjustment in scheduling cases for oral argument or submission without argument.
- Technology projects are tracked through project plans that identify tasks, timelines, deliverables and resources. These project plans are reviewed with the project team on a weekly or bi-weekly basis, depending upon the priority, scope and magnitude of the project. Information Technology (IT) Managers submit weekly status reports to the IT Director on efforts in specific areas, including Call Center, Web site, Networking, Applications Development, Systems Integration, and Statewide Court Case Management System.
- The Commissions on Judicial and Lawyer Conduct examine quarterly statistics permitting adjustments in resource allocation.
- The monthly caseload reports from each of the counties are used to develop and track action plans to meet the Judicial Department's goal to process trial court cases efficiently and fairly. The Office of Court Administration reviews the monthly caseload reports and requests for new/additional terms of court from each county. These reviews enable resources to be allocated/reallocated by adjusting trial court schedules based upon current caseloads and case complexities in conjunction with the availability of Judicial Department resources, including judges, court facilities, and court reporters as well as monetary resources available for travel expenses.
- The Chief Justice reviews a monthly outstanding order report on each circuit and family court to ensure orders are issued in a timely manner.

3. How do you communicate and deploy your strategic objectives, action plans and performance measures?

Many diverse entities, ranging from the public, attorneys and other state agencies to Judicial Department employees and other participants in the Judicial Branch, need to stay up to date on the strategic objectives, action plans and performance measures of the Judicial Department. To accommodate these various entities, a wide variety of communications channels are used to disseminate this important information. The communications mechanisms currently being used by the Judicial Department include the following:

- Judicial Department Web site postings – www.sccourts.org
- South Carolina Advance Sheets
- Speeches and presentations at conferences and meetings
- E-mail
- Hardcopy letters through FAX and US Mail
- Press releases

- Monthly report distribution through the Judicial Department Intranet and on CD-ROMs
- Task force and project team meetings
- Surveys
- Evaluations
- Training

4. What are your key strategic objectives?

The Judicial Department strives towards fulfilling the following strategic objectives:

- Reliable and fair court proceedings in accordance with due process
- Modernization of the South Carolina courts through the incorporation of technology
- Collaboration with appropriate federal, state and local entities
- Leadership in the criminal justice arena

5. Website address for the agency's strategic plan?

The website address for the Judicial Department is www.sccourts.org. The strategic technology plan is available at www.sccourts.org/judauto/stratplan.cfm. The Judicial Department strategic plan is not currently available on the website.

CATEGORY 3 – CUSTOMER FOCUS

Key customers and stakeholders of the Judicial Department comprise those who use its services, experience the effects of its actions, and respond to its decisions. These key customers and stakeholders are ranked from the most particular to the most general:

- Litigants and counsel. Individuals and entities that come before the tribunals of this state, either *pro se* or through counsel, form the most obvious, immediate and intensely engaged group of stakeholders. For this group, the process of justice and its outcome have an undiluted, highly focused impact.
- Grievants. This group includes those who contact the Office of Disciplinary to Counsel to lodge a complaint concerning a judge or a lawyer.
- Non-litigants participating in court proceedings. This group includes witnesses, jurors, and those who participate indirectly in court proceedings as support personnel or advocates.
- Judges, clerks and staff at the locally-funded level. This group includes masters-in-equity, probate judges, magistrates, municipal court judges, clerks of court, and staffs of the counties and municipalities.
- Members of the South Carolina Bar. South Carolina requires all attorneys admitted to practice in South Carolina be members of the Bar.
- Applicants. This group includes applicants to be admitted to practice law in South Carolina, applicants to be readmitted to practice law, applicants to be lead counsel in capital cases, out-of-state attorneys who wish to appear as counsel in South Carolina courts, and applicants seeking approval of required trial experiences under Rule 403.

- g. Media. The media includes print, television, radio, and groups with newsletters and Web sites.
- h. General public. This group includes everyone who has an interest in the Judicial Branch for information or access to public documents.

1. How do you determine who your customers are and what their key requirements are?

Key requirements of customers and stakeholders are primarily identified through direct contact (written and oral communications and in-person meetings).

- a. Litigants and counsel. This group makes contact with the court through formal filings. The rules of procedure for the various levels of court determine the requirements of this group, and rules are amended based on requests from Judicial Department staff, litigants, attorneys representing litigants, and other participants in the Judicial Branch.
- b. Grievants. This group makes contact by telephone or in writing. By reviewing and considering all contacts, requirements are regularly reassessed. Again, requirements are set and amended by rules of procedure.
- c. Non-litigants participating in court proceedings. The court summons jurors, and witnesses may appear voluntarily, but they may also be required to appear by being subpoenaed by the court or a litigant. The General Assembly sets the requirements for non-litigants participation in court proceedings, and the Judicial Department offers assistance to the General Assembly in assessing these participants' concerns and possible solutions.
- d. Judges, clerks and staff at the locally-funded level. County and municipal court personnel actively participate in the Judicial Department task forces, joint project teams, and day-to-day administration activities. Requirements are initially set through procedure manuals, benchbooks, and rules of procedure. Refinements, enhancements, and changes are made through this stakeholders' participation with the Judicial Department.
- e. Members of the South Carolina Bar. This group expresses its requirements by letter, telephone or personal visit. The Bar leadership meets regularly with the Supreme Court to express the concerns and needs of its members. The requirements of the Bar to have an available forum for dispute resolution and to have rules of procedure which are uniform throughout the State are expressed in its Constitution and By-laws and in proposed rules of procedure for trial and appellate courts, which are recommended by vote of the Bar membership, adopted by the Supreme Court and, where necessary, submitted to the General Assembly for its consideration.
- f. Applicants. This group makes requirements known by letter, telephone call, or personal visit. This group generally requires assistance in completing the application process.

Through these contacts, the Judicial Department makes amendments to applicable rules and has made resources available on the Judicial Department Web site.

- g. Media. The Judicial Department issues press releases concerning matters of particular public interest and contacts media who have asked to be contacted when a particular case is decided or when an Administrative Order of particular significance is issued. The Judicial Department Web site includes current events-type information on the “What’s New” Web page. The Web site also provides the media and public with a summary of the issues included in cases to be argued before the Supreme Court and Court of Appeals. Once a case has been decided in these courts, a synopsis of the opinion is also made available on the Web site. All published opinions of the Supreme Court and the Court of Appeals are posted on the Web site and published in paper format and mailed to subscribers of the South Carolina Advance Sheets. Media members are encouraged to contact the Judicial Department for information about a pending case or issue. The Judicial Department promptly responds in a manner consistent with the law and ethical constraints.
- h. General public. The status of the Judicial Department as one of the three co-equal branches of government in South Carolina establishes the general public as a stakeholder. The Judicial Department reassesses the general public’s requirements through attending legislative hearings and meetings with other participants in the Judicial Branch. Changes to rules of procedure are then proposed and after input is received, either adopted or rejected. Questions and requirements are received and addressed by Court Administration on an individual basis as they are received.

2. How do you keep your listening and learning methods current with changing customer/business needs?

The Judicial Department receives information from numerous groups and individuals such as the South Carolina Bar, the Judicial Council, and the Ad Hoc Committee on the Rules of Civil Procedure regarding changes that might be made to improve the Judicial Branch. These proposed changes are always subject to comment from customers and stakeholders as well as members of the Judicial Branch. Through its Web site, the Judicial Department is able to receive comments from anyone visiting the site. Additionally, each division of the Judicial Department is open to comments concerning its procedures. These comments are used in assessing business practices and addressed in Executive Team meetings. Changes to business practices are made by the Executive Team and, where necessary, with the concurrence of the Chief Justice, as discussed in **Section III Category 1-Leadership.**

3. How do you use information from customers/stakeholders to improve services or programs?

During staff meetings and Executive Team meetings, information from customers and stakeholders is evaluated, and experiences are compared to determine what improvements are needed and whether they can be made with current resources. Divisions regularly review procedures in response to customer and stakeholder comments and make revisions when customer input indicates the need for change. The strategic planning process described in **Section III Category 2- Strategic Planning** is used to assess information received from customers and stakeholders to improve services and

programs throughout the Judicial Branch. Where major changes in process or programs appear necessary, a business-case justification is developed and the Executive Team, with the concurrence of the Chief Justice, will then propose changes that are implemented after input from Judicial Branch customers and stakeholders.

4. How do you measure customer/stakeholder satisfaction?

Processing cases in a timely and fair manner is currently the primary indicator of customer and stakeholder satisfaction. However, direct contact from customers and stakeholders, media reports, and information acquired through staff attendance at Legislative hearings on issues involving the Judicial Branch are also considered in determining customer and stakeholder satisfaction.

The Judicial Branch strives to resolve disputes in a fair and efficient manner and because of the nature of the business of the courts, one side of the dispute is generally dissatisfied with the result. Because of this fact, the Judicial Department recognizes that its customers and stakeholders may have different opinions as to what constitutes disposing of cases without “undue delay” and in a “fair manner.” Litigants may wish cases to be processed faster than lawyers who file requests for continuances and extensions. The rules of procedure for the trial courts, the orders appointing Chief Judges for Administrative Purposes in the trial courts, and policies adopted by the appellate courts address the divergent opinions as to how a case is resolved efficiently and accordingly to law.

The Judicial Department is evaluating the use of surveys to determine whether they would be beneficial in measuring customer and stakeholder satisfaction. As an example, the Clerk’s Office of the Court of Appeals sends anonymous surveys to parties after a case is docketed. The survey asks for an evaluation of the promptness, accuracy, and courtesy parties have experienced from the Clerk’s Office staff. The surveys are used to determine whether parties are receiving appropriate service from the Clerk’s Office.

5. How do you build positive relationships with customers and stakeholders?

Positive relationships with the Judicial Department rest upon the trust and faith that customers and stakeholders have in the Judicial Department carrying out its mission. This faith and trust is earned by having competent, ethical, dependable personnel working directly with and communicating with customers and stakeholders. Judicial Department employees treat all customers and stakeholders equally, from individuals handling their own cases to highly respected members of the Bar. All phone calls are returned promptly, correspondence is routed to the appropriate division within the department, and customers and stakeholders are given assistance consistent with the *Rules of Professional Conduct* and the *Rules of Judicial Conduct*.

CATEGORY 4 – INFORMATION AND ANALYSIS

1. How do you decide which operations, processes and systems to measure?

Staff constantly monitors the interests of the Judicial Department’s two key suppliers, the Legislative Branch and the Executive Branch. Priorities of the Legislative Branch are tracked through analysis of all legislation introduced in the House and Senate, and fiscal impact statements for bills that may affect the Judicial Department’s budget or the Judicial Branch are filed. Executive Branch activities are reviewed to assess their impact on the Department’s mission.

Additionally, inquiries about operations, processes, and systems from customers and stakeholders spur measurement in particular areas. For example, the media inquires about the number of a particular type of case disposed over a specific period of time, filed/disposed in specific geographical locations, conviction rates, and/or for specific demographic subsets of the population. Another example is the requests from the Legislature to determine potential impacts of new or proposed legislation. Inquiries from customers and stakeholders alert the Judicial Department that there is an interest in a particular measurement and prompts the Judicial Department to track activity in various categories, including civil, criminal, family court and appellate court cases.

The universal standard “unit of work” for courts is a case. Therefore, caseload statistics by judicial circuit, county, and state are primary measurements for the Judicial Department. Results are reported in **Section III Category 7 – Business Results**.

2. How do you ensure data quality, reliability, completeness and availability for decision-making?

Historically, the Judicial Department has conducted manual audits of individual court records to ensure the accuracy, timeliness and integrity of caseload data reported to Court Administration from the state and local courts. The Judicial Department is currently in the process of transitioning many of its paper-based reporting mechanisms to automated systems that make the reporting easier, but more importantly, more accurate and timely. Over the past year, paper docket sheets from the 46 county probate courts have been phased out, replaced with electronic reporting on Excel spreadsheets filed via the Internet. Automated reports and automated comparisons are now done to perform data quality and completeness checks in family court and circuit court. These reports are generated and distributed monthly. Follow-up phone calls are conducted with counties on an as-needed basis when these reviews indicate possible errors or problems. The appellate caseload reports are reported monthly; however, the ability to generate these reports at any time on an as-needed basis is possible with the Appellate Case Management System. The appellate clerks of court and staff attorneys check these reports.

3. How do you use data/information analysis to provide effective support for decision making?

Executive Team members and managers use Judicial Department court rosters and caseload reports to determine resource allocations and tasks.

4. How do you select and use comparative data and information?

The Judicial Department selects comparative data by reference to its records from previous years. The caseload and output figures of previous years are used as guideposts in estimating requirements. For example, historical comparative data is useful in estimating the number of terms of courts needed to dispose of similar pending caseloads. Further, historical information is useful in identifying trends in caseload activity to determine whether additional or fewer resources, in terms of judges and court reporters, are needed. The Judicial Department also uses national statistics compiled by such organizations as the National Conference of State Courts to identify national trends and to compare the performance of our judicial system against those in other jurisdictions.

CATEGORY 5 – HUMAN RESOURCES

1. How do you and your managers/supervisors encourage and motivate employees (formally and/or informally) to develop and utilize their full potential?

The Judicial Department recognizes the need to develop and maintain a diversified work force of professional employees. Employees are provided with the means to obtain professional development, career progression and personal growth as described in **Section III Category 1.1.e**. Employees are encouraged to work both independently on projects as well as part of team efforts, allowing each individual to determine the means necessary to complete the work assigned.

Through the leadership of the Chief Justice, the Department was able to avoid employee furloughs and layoffs. In addition, employee recognition awards are being re-established with a ceremony recognizing years of government service. The Judicial Department maintains its conviction that outstanding job performance should be recognized through in-position increases and by using the flexibility provided us by the Legislature to redefine job positions and responsibilities. This ability to react to employee and Department needs is demonstrated through the low employee turnover statistics reported in **Section III Category 7 – Business Results**.

2. How do you identify and address key developmental and training needs, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?

Through participation at national conferences, members of the Executive Team interact with court officials nationwide. These meetings provide the Judicial Department with lessons learned, best practices and other valuable information as to how other courts address issues, including personnel development and training needs, within their own jurisdictions.

The staff and executives in each of the eight levels of court within the Judicial Branch meet regularly. There are separate organizations for most of the groups involved at each level of the court system. For example, there is a court reporters organization, a clerks of court organization as well as professional associations representing counties, municipalities and various interest groups that are active participants in the court system. Judicial Department staff and management solicit input from these groups and meet with them on a regular basis. These meetings provide a forum for education and the exchange of ideas and information pertinent to the group. The Chief Justice also hosts an annual statewide judicial conference for the appellate justices and judges, trial court judges, law clerks and affiliated staff personnel for skills updating and education. In addition, the Judicial Department instituted a program of monthly one-hour CLEs for department lawyers this past year. These CLEs focus not only on topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law. Further, the Office of Finance and Personnel staff receives annual training in areas such as accounting, budgeting, procurement, benefits administration and human resources. To assure relevance and cost efficiency, most of this training is through state organizations or state-sponsored organizations.

The Judicial Department encourages the participation of managers, directors and the Executive Team in the South Carolina Executive Institute.

With the Judicial Department's current emphasis on improvement through automation, much training is made necessary through these technology innovations. Formal technology training is provided both in Columbia and regional locations across the state for new hires and existing

employees. This training begins when new employees receive their computer equipment and continues throughout the year with training in desktop applications such as word processing, spreadsheets, case management, legal research, and other specialized Judicial Department applications. Ongoing enhancements include online notification to employees on insurance updates, equal employment requirements, and opportunities to effect changes in their working status.

3. How does your employee performance management system, including feedback to and from employees, support high performance?

The Judicial Department is organized internally in such a manner that staff interacts with Executive Team members on a daily basis. This interaction enables staff to remain energized with the vision and direction from Judicial Department leadership while, at the same time, Judicial Department leadership gains insight and awareness of staff morale and motivations on a near daily basis.

The Judicial Department considers each justice, judge, and director, with their staff, as a semi-autonomous work group. With more than 100 work groups, the Judicial Department has empowered each justice, judge, and director to evaluate their immediate staff regarding job performance.

The Judicial Department has an open-door policy throughout the organization. Employees are encouraged to meet with their supervisors or with the Offices of Court Administration, Finance and Personnel and/or Information Technology to resolve problems and/or improve the performance of the Judicial Branch.

4. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfaction, and motivation?

The organizational structure of the Judicial Department and the close interaction staff has with managers and directors allows for daily assessments of employee well being, satisfaction and motivation. In addition, the Office of Finance and Personnel has implemented a satisfaction survey for new hires and terminating employees. The results of these surveys are evaluated on an on-going basis.

5. How do you maintain a safe and healthy work environment?

The Department of Public Safety and local law enforcement agencies provide physical security for judicial facilities and employees across the state. During the past year, the Judicial Department has worked with the Budget and Control Board to implement emergency action plans for staff and visitors in the Supreme Court and Calhoun buildings. These are comprehensive action plans designed to prepare employees to deal with emergencies ranging from fire alerts to homeland security issues. The Chief Justice has also issued orders regarding courtroom security in county courthouses.

Finance and Personnel staff receive training regarding employee benefits and employee referral services. This staff in turn provides assistance to employees or referrals to other appropriate agencies.

The Judicial Department encourages good health through an annual worksite health screening and by sponsoring flu shots. During the past year, the Judicial Department offered regional worksite screenings to employees outside the Columbia area. In addition, the Judicial Department was able to

arrange worksite mammography testing for employees in the Columbia area as well as offer a series of free chronic disease workshops on topics such as adult and childhood asthma, healthy heart and stroke, diabetes, digestive disorders, and migraine and headache health.

6. What is the extent of your involvement in the community?

In order to maintain independence and impartiality, the *Code of Judicial Conduct*, *Code of Conduct for Staff Attorneys and Law Clerks*, *Rule on Political Activity for Judicial Employees and Officers* restrict participation in extra-judicial activities by Judicial Department employees.

However, these restrictions have not limited participation in community activities as described in **Section III Category 1.7**.

CATEGORY 6 – PROCESS MANAGEMENT

The Judicial Department continues to undergo a dramatic change in the manner in which it conducts operations because of the emphasis and greater dependency on technology. These changes are also revamping the culture of the Judicial Department by creating self-sufficiency not only in Judicial Department personnel but also in Judicial Branch users. For example, the current “Equity in Education” case being heard in the Clarendon County courthouse is using and relying upon technology for the courtroom operations, including presentation of evidence, real-time court transcription, retrieval of documents and depositions, playing of video and audio tapes, access to online legal research as well as the to state’s Department of Education Web site and its library of information. In addition to the capabilities being provided within the courtroom, the public and media now have immediate, reliable information on the case as it proceeds. Essentially, this case highlights how services being provided by the Judicial Department to the citizens of South Carolina are increasing and being enhanced through the Judicial Department process management. Six months ago, this courthouse and its facilities had virtually no technology capabilities. Today, through this case, the nature and method of trying and presenting cases in South Carolina is being forever changed.

1. What are your key design and delivery processes for products/services, and how do you incorporate new technology, changing customer and mission-related requirements, into these design and delivery processes and systems?

There are five key delivery processes of the Judicial Department:

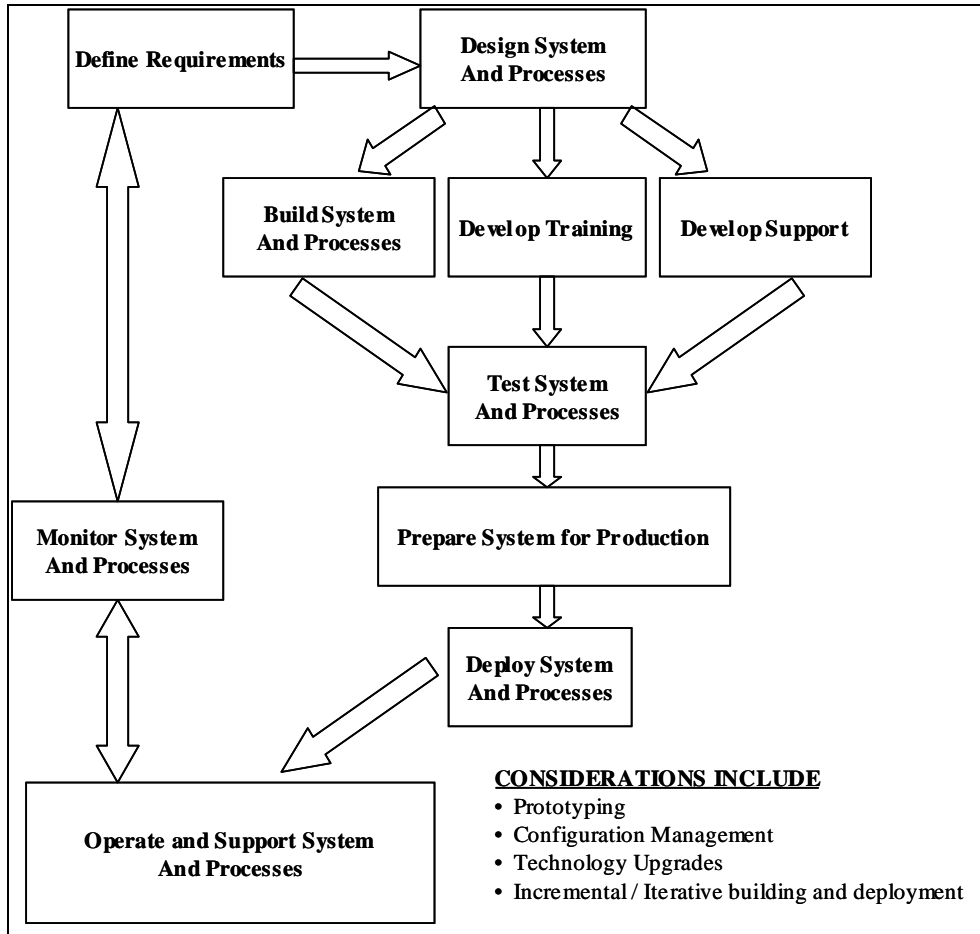
- Conducting court hearings and trials for the purpose of fair and impartial judgment
- Issuing rulings which determine the outcome of court proceedings
- Promulgating rules of procedure for all courts to provide statewide uniformity in court proceedings
- Providing court information as the official records of the court proceedings
- Ensuring the public is served by competent, ethical lawyers and judges through the Office of Bar Admissions and the Office of Disciplinary Counsel

The Judicial Branch of government is a heterogeneous organization composed of a combination of elected officials and staff funded through a combination of state and local sources. As a result, changes in the processes of the Judicial Department are accomplished through one of two means: teamwork and mandates.

Teamwork: Whenever possible, teamwork is used to bring about change. New operational requirements, new technologies and changing expectations of the public and/or Judicial Branch personnel are addressed through joint task forces and project teams. These joint task forces and project teams are composed of representatives from every affected entity. For example, the statewide court case management project team comprises County Clerks of Court staff, County Information Technology (IT) staff, the Office of Court Administration, Judicial Department IT division, the Judicial Department's systems integrator, and vendors. The criminal case backlog pilot team includes judges and their staffs, Solicitors and their staffs, Public Defenders and criminal defense attorneys, County Clerks of Court staff, and the Office of Court Administration. The process that the Judicial Department follows to incorporate change into Judicial Branch processes and systems is illustrated in Figure 6.1-1. Note that this process is followed after the project team and/or task force members are already identified and notified of the recommendation for a change.

Teamwork promotes collaboration and ownership by enabling more ideas to be incorporated in a project. Teamwork usually requires a greater time commitment at the beginning of the effort but generally reduces the time and disruption of business during the deployment phase.

Figure 6.1-1: Teamwork Process



Mandates: Mandates are only used in matters of law and in situations of crisis when consensus building is not an option. For example, changes in the statutes and codes by the Legislature that result in changes within the Judicial Branch are a type of mandate. Prohibiting the use of cell phones in courtrooms is an example of a mandate. A mandate is issued by a judicial order or administrative directive.

2. How does your day-to-day operation of key production/delivery processes ensure meeting key performance requirements?

Because of the role of the Judicial Branch in the judicial process of the United States, it is constantly in the public limelight. The scrutiny of the news media is a daily measure of whether the Judicial Department is meeting its responsibilities. The interactions that the Judicial Branch has with other government entities on a daily basis, through questions and noted discrepancies in reports, constitute another measure.

3. What are your key support processes, and how do you improve and update these processes to achieve better performance?

The Judicial Department uses 10 key support processes in its adjudicatory and administrative functions:

- Court scheduling
- Licensing

- Disciplining
- Legal education programs
- Monitoring legislation
- Legislative election of judges
- Pro bono representation of indigents
- Procurement
- Employee compensation and benefits
- Deployment of information technology

Changes and updates to these processes occur through the methods defined in **Section III Category 6.1**, enactment and amendment of statutes made by the General Assembly, appellate court opinions, amendments to rules of procedure, and through collaboration with the customers and stakeholders.

4. How do you manage and support your key supplier/contractor/partner interactions and processes to improve performance?

Key suppliers and partnerships are managed and supported by the Judicial Department through four primary means:

- State procurement for supplies and standard office services such as copier machine repairs
- Systems integrator for technologies and related services
- Court Administration for liaison with the General Assembly and state and local agencies
- Office of the Chief Justice for liaison with federal grant programs

CATEGORY 7 – BUSINESS RESULTS

1. What are your performance levels and trends for key measures of customer satisfaction?

By definition, the courts decide cases. Therefore, the final decision in a case means that one side will win and generally be satisfied, while the other side will lose and generally be dissatisfied. The Judicial Department strives to ensure that the process by which the case is adjudicated is reliable and fair to the participants.

The Judicial Department obtains information about customer satisfaction in a variety of ways:

- First, it meets with the leadership of the South Carolina Bar to obtain information about the needs of and problems facing lawyers in this State.
- Second, it meets with various groups or associations, including the South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association, Circuit Court Judges Advisory Committee, Family Court Judges Advisory Committee, Probate Court Judges Advisory Committee, Clerks of Court and Registers of Deeds Advisory Committee, Court Reporters Advisory Committee, the Solicitors Association, the Public Defender's Association, the Probate Judges Association, and the Summary Court Judges Association to obtain information about their satisfaction with the Judicial Branch.
- Third, information about the public's level of satisfaction is obtained from correspondence received from members of the public, media reports, written responses to requests for public comment regarding rule changes and other matters, and public hearings held on various rule changes or other matters.

The key measures of customer satisfaction for the Judicial Department are twofold:

1. accessibility of court information
2. response time to requests received

Through the incorporation of technology, both of these key measures of customer satisfaction are improving. For example, the Judicial Department Web site provides a summary of the issues included in cases to be argued before the Court and, once a case has been decided, offers readers a synopsis of the opinion decision. The Web site also provides access to updated rules, court calendars, forms, procedure manuals, CDR codes, judicial orders, etc. The Web site continues to evolve to provide greater functionality and more information and online services.

2. What are your performance levels and trends for key measures of mission accomplishment?

The following are key measures of mission accomplishment for the Judicial Department.

2.1. Supreme Court of South Carolina

As indicated in **Section II – Business Overview**, the Supreme Court has both adjudicatory and administrative functions.

2.1.1 Performance Levels and Trends in the Adjudicatory Area

In the adjudicatory area, the key indicator of performance level is the case filing and disposition information listed in Tables 2.1.1-1 and 2.1.1-2.

Table 2.1.1-1: Supreme Court Caseload Activity

CASELOAD ACTIVITY	NUMBER
Opinions Issued	
Published	191
Unpublished	69
Total Opinions	260
Motions Pending July 1, 2002	81
Motions Filed	3162
Motions Ruled Upon	3171
Motions Pending June 30, 2003	72

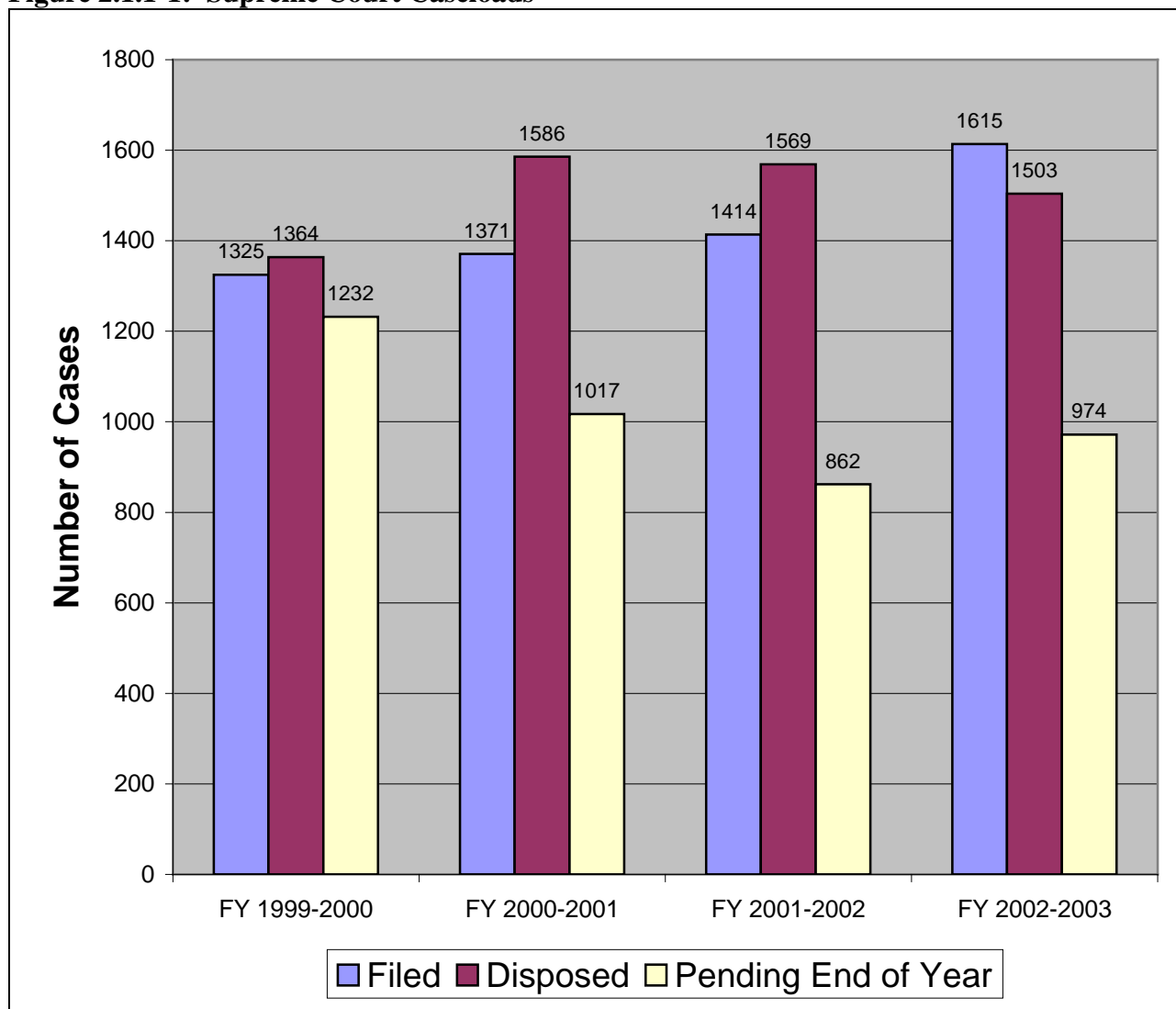
Table 2.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2002-2003

FILINGS AND DISPOSITIONS	NUMBER
Cases Pending July 1, 2002	862
Cases Filed in FY 2002-2003	
Direct Appeals	
Civil	120
Criminal	99
Petitions for Certiorari	
Post-Conviction Relief	664
Court of Appeals	211
Original Jurisdiction	
Writs	432
Actions	42
Certified Questions	4
Judicial Conduct	11
Lawyer Conduct	38
Bar Admissions	64
Bar License Fees / CLE Suspensions / Reinstatements	86
Disciplinary Reinstatements	4
Total Cases Filed	1775
Total Cases Awaiting Disposition	2637
Cases Disposed Of	
Direct Appeals Transferred to Court of Appeals	160
Direct Appeals	74
Petitions for Certiorari	
Post-Conviction Relief	573
Court of Appeals	231
Original Jurisdiction	
Writs	392
Actions	35
Certified Questions	5
Judicial Conduct	11
Lawyer Conduct	34
Bar Admissions	61
Bar License Fees / CLE Suspensions / Reinstatements	81
Disciplinary Reinstatements	6
Total Cases Disposed	1663
Cases Pending June 30, 2003	974

Caseload and disposition data for the last four years (excluding cases which were merely transferred

to the Court of Appeals) are reflected in Figure 2.1.1-1.

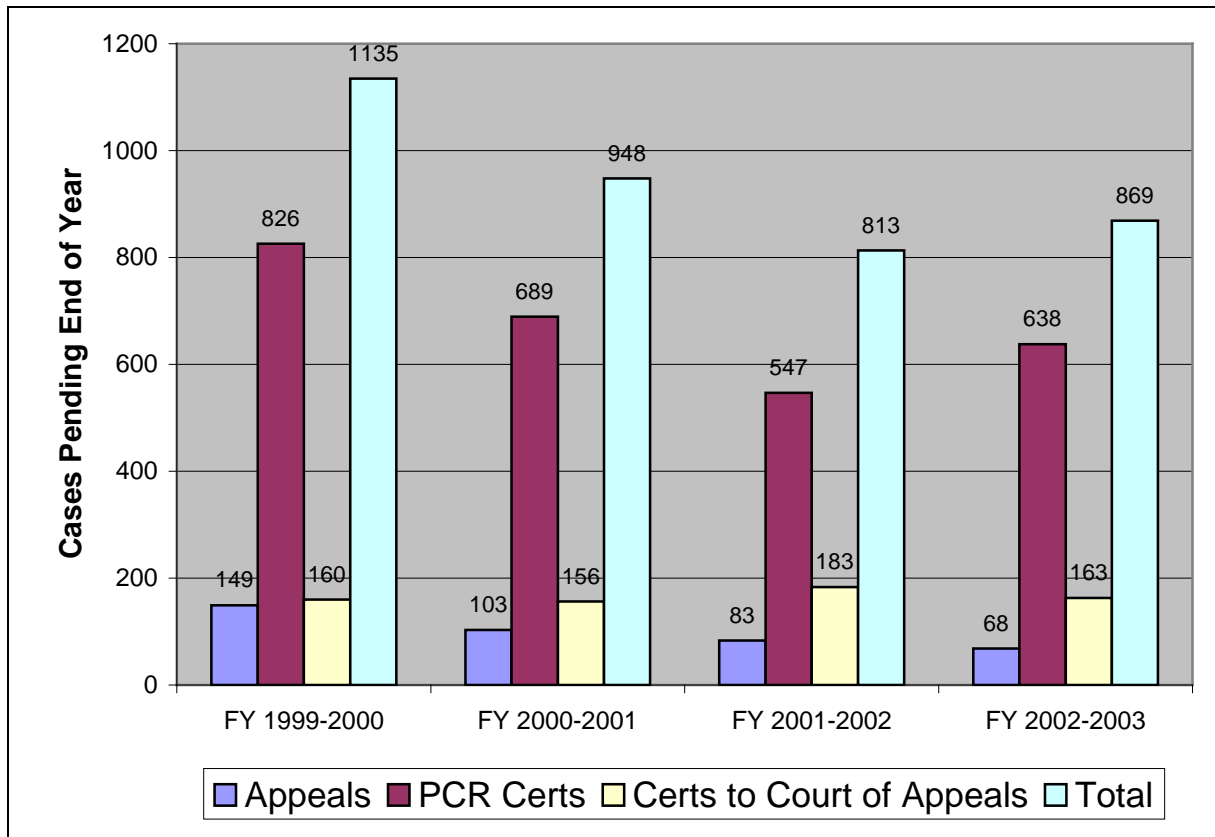
Figure 2.1.1-1: Supreme Court Caseloads



This chart shows that the number of pending cases at the end of the year increased. This increase was due to several factors. First, the number of filings increased by 200. Second, in light of the budget reductions, several staff attorney positions were not filled in an attempt to absorb these reductions. These reductions adversely affected the number of cases that could be processed for consideration by the Supreme Court.

Appeals and petitions for writs of certiorari, the most labor-intensive areas for the Supreme Court and its staff, are reflected in Figure 2.1.1-2.

Figure 2.1.1-2: Supreme Court Pending Caseload



While the total number of pending cases in these areas increased over the previous year, this increase is surprisingly small in light of the unfilled staff attorney positions discussed earlier. This graph shows that the Supreme Court, despite the budget reductions and increased filings, has continued to maintain an acceptable level of pending cases.

2.1.2 Performance Levels and Trends in the Administrative Area

The effectiveness with which the Chief Justice and the Supreme Court administer the trial courts is reflected in the positive key results at every level of the Judicial Branch.

Regarding its rule-making authority, the Supreme Court, by keeping itself aware of high profile public concerns such as secret settlements and alternative ways of resolving disputes proactively reviews and updates pertinent rules. Of particular significance, the Supreme Court added a new Rule to the South Carolina Rules of Civil Procedure, Rule 41.1 regarding secret settlements. This Rule prohibits the approval and sealing of settlement agreements that contain a confidentiality clause, except in extraordinary circumstances. Additionally, the new Rule specifically prohibits the sealing of any settlement agreements where a governmental entity is a party to the litigation. Rule 422 of the South Carolina Appellate Court Rules relating to the Commission on Alternative Dispute Resolution was amended and regulations promulgated to move towards a uniform statewide system of alternative dispute resolution that will be simpler to administer.

2.1.3 Other Key Measures of Performance

The Supreme Court prides itself on responding to correspondence and telephone inquiries in a prompt and courteous manner. On many occasions, the staff of the Supreme Court have been advised that similar correspondence to other parts of the state or local government have simply gone unanswered.

The Supreme Court has continued to take steps to increase public awareness of the Judicial Branch and its role in our society. The Supreme Court participated in South Carolina Girls' and Boys' State activities, provided instruction regarding the South Carolina Judicial System to students from the elementary to the college level, and provided tours of the Supreme Court building to numerous groups. Further, in conjunction with the Federal Government, the Supreme Court hosted groups from several foreign nations. These visits foster an understanding of the democratic system of government in the United States, enabling the representatives to assist the democratic systems developing in their countries.

2.2 Court of Appeals

Case and motion filing and disposition constitute the key indicators of the performance level for the Court of Appeals. This information appears in Tables 2.2-1 and 2.2-2 and Figure 2.2-1.

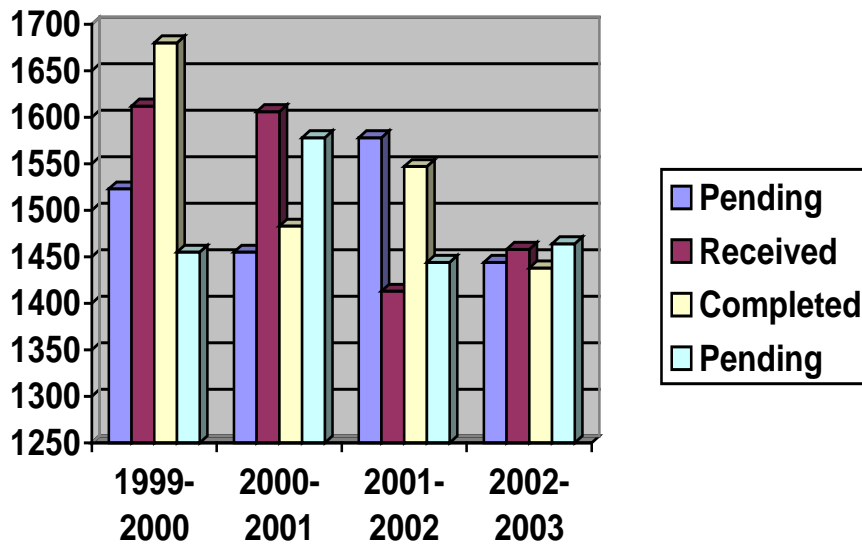
Table 2.2-1: Court of Appeals Case Filings and Dispositions

FILINGS / DISPOSITIONS	NUMBER
Cases Pending July 1, 2002	1444
Cases Filed	1458
Cases Completed	1438
Cases Pending June 30, 2003	1464

Table 2.2-2: Court of Appeals Caseload Activities

CASELOAD	NUMBER
Opinions Issued	
Published	124
Unpublished	762
Motions Pending July 1, 2002	102
Motions Filed	4855
Motions Completed	4921
Motions Pending June 30, 2003	36

Figure 2.2-1: Court of Appeals Caseloads



2.2.2 Other Key Measures of Performance

Each year, the Court of Appeals welcomes many school and civic groups and other visitors to its historic quarters in the John C. Calhoun building. Paralegal groups, students from colleges, high schools, middle schools, and elementary schools, model government participants, moot court contestants, community business and political leaders, international government figures, and citizens with an interest in the judiciary come to see the Court of Appeals in action or just to visit a courtroom and library with the flavor of times past.

In this fiscal year, the Court of Appeals held terms of court in Horry County and Florence County. With the cooperation and assistance of the local bar organizations, the Court made itself available to members of the public and students from these counties, who thus were able to more readily observe oral arguments.

2.3 Bar Admissions

The key indicators of the performance level for Bar Admissions are listed in Table 2.3-1.

Table 2.3-1: Bar Admissions

KEY INDICATOR	RESULTS
---------------	---------

Bar Applications Filed	532
Applications for Limited Certificates	9
Applicants Who Appeared Before the Committee on Character and Fitness	11
Special Accommodation Requests Filed	14
Courses of Study Filed	4
Applicants Taking the Bar Examination	469
Number and Percentage Passing	364 / 78 %
Applicants Admitted	359
Hearings Held on Reinstatement Petitions	7
Trial Experiences Processed	264
Applications to be Certified as Lead Counsel in Death Penalty Cases	8

Rules and forms used in the admission process are available on the Judicial Department Web site, www.sccourts.org, allowing applicants ready access to this information and decreasing staff time spent answering written and telephonic inquiries. The rule regarding bar admissions has been rewritten to clarify and streamline the admissions process – a first step toward the ultimate automation of the bar admissions process. The ultimate goal will be to have an automated system in which applicants will be able to file online applications, all of the requirements for admission will be tracked electronically, and all letters and forms relating to admission can be automatically generated.

The Office of Bar Admissions has used the Internet to make the results of the bar examination available to the applicants in a more timely manner. A release date and time for the results is now set in advance, and applicants are able to immediately have the results without waiting to receive notification by mail. The success of this practice is reflected by the fact that the Bar Admissions Office previously received hundreds of phone calls each time the results were released and now only receives 20 or 30 calls per release.

The structure of the Board of Law Examiners has been modified to increase its efficiency. Historically, the Chair of the Board was required to prepare and grade an essay section of the Bar Examination. This year, the Supreme Court amended the bar admissions rule to increase the membership of the Board, which allows the Chair to fully devote his efforts to leading the Board and studying ways to improve the bar admissions process in South Carolina.

Another change to the membership that occurred during this year was the addition of associate members to the Board. These associate members will help the members in preparing and grading the essay examinations. They began their work with the preparations for the July 2003 Examination. In addition to easing the burden on the members, the addition of these associate members should expedite the grading process and may ultimately allow the results to be released to applicants in less time.

2.4 Office of Disciplinary Counsel

The success of the Judicial Department in ensuring its members adhere to ethical rules and codes of conduct is reflected in the fact that no Judicial Department judge (Supreme Court, Court of Appeals, Circuit Court and Family Court) was publicly sanctioned in the last fiscal year.

The Office of Disciplinary Counsel (ODC) handles complaints received by two commissions:

- The Commission on Judicial Conduct

- The Commission on Lawyer Conduct

Although the number of complaints received by ODC has increased over the past six years, ODC has closed more files pending before both Commissions this fiscal year than were received, which results in a better perception that the disciplinary process is working to protect the public.

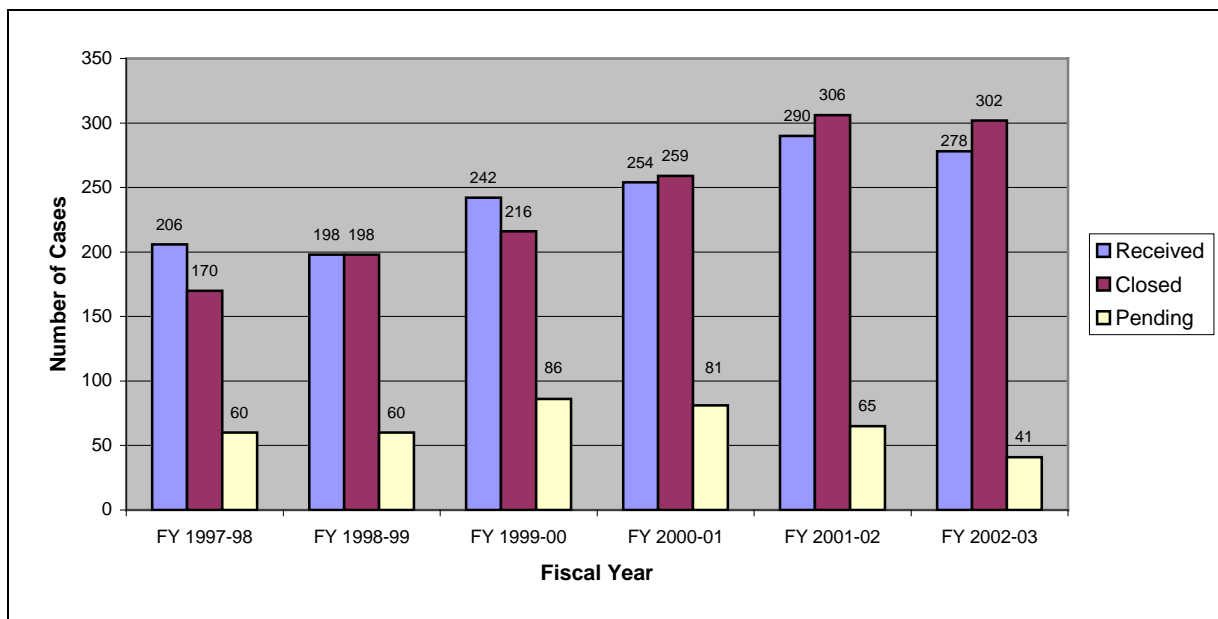
2.4.1 Commission on Judicial Conduct

The performance levels for the Commission on Judicial Conduct are listed in Table 2.4.1-1 and Figure 2.4.1-1.

Table 2.4.1-1: Commission on Judicial Conduct Performance Levels

COMPLAINTS	NUMBER
Complaints pending July 1, 2002	65
Complaints received this year	278
Total of pending and received complaints for the past fiscal year	343
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	166
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	42
Dismissed by Investigative Panel after preliminary investigation	57
Dismissed by Investigative Panel after full investigation	2
Dismissed by the Supreme Court	0
Total Dismissed	267
Other - Referred to another agency	1
Letter of Caution without finding of misconduct	7
Letter of Caution with finding of minor misconduct	15
Admonition (Confidential)	6
Admonition (Public but not Published)	0
Public Reprimand	3
Suspension	3
Removal from Office	0
Total Not Dismissed	35
Total Complaints concluded this year	302
Total Complaints pending as of June 30, 2003	41

Figure 2.4.1-1: Commission on Judicial Conduct Caseload Trends



2.4.2 Commission on Lawyer Conduct

The performance levels for the Commission on Lawyer Conduct are listed in Figure 2.4.2-1 and Table 2.4.2-1.

Figure 2.4.2-1: Commission on Lawyer Conduct Caseload Trends

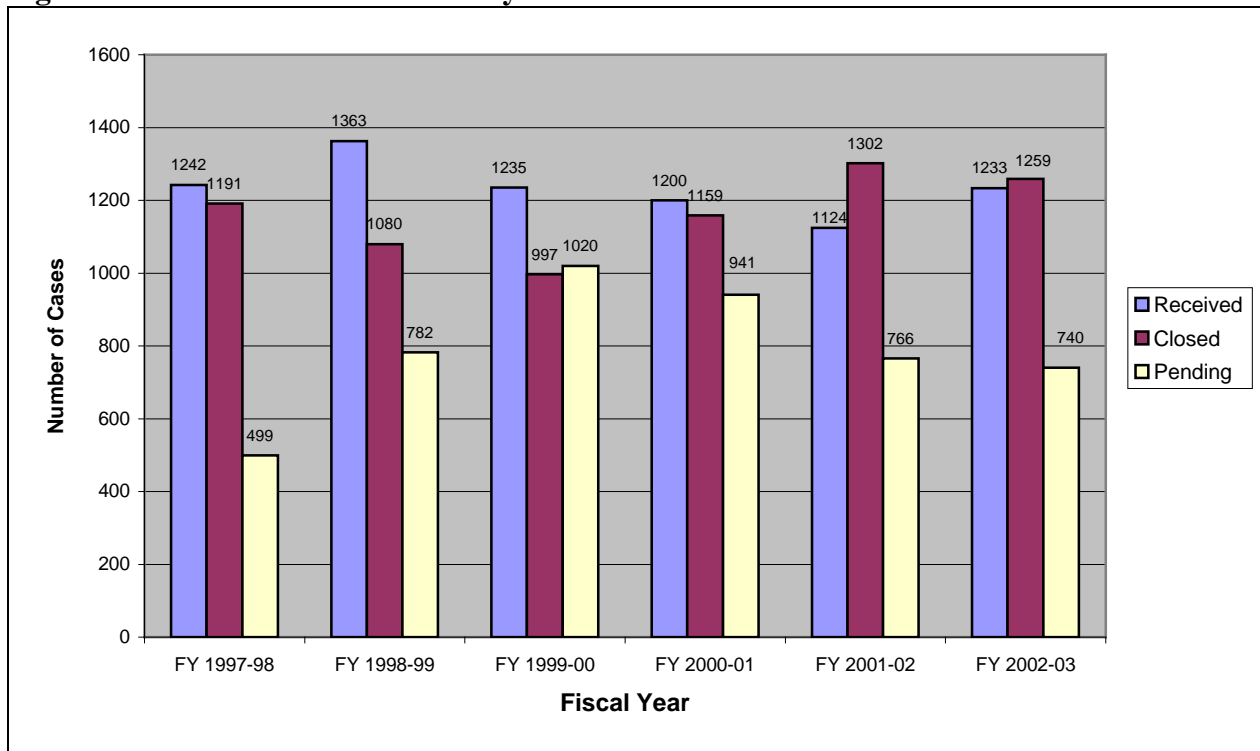


Table 2.4.2-1: Commission on Lawyer Conduct Performance Levels

COMPLAINTS	NUMBER
Complaints pending July 1, 2002	766
Complaints received	1233
Total pending and received complaints	1999
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	200
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	691
Dismissed by Investigative Panel after preliminary investigation	82
Dismissed by Investigative Panel after full investigation	17
Dismissed by Supreme Court	0
Total Dismissed	990
Referred to Other Agency	12
Letter of Caution without finding of misconduct	41
Letter of Caution with finding of minor misconduct	75
Transferred to Incapacity Inactive Status as final disposition	2
Deferred Disciplinary Agreement	23
Admonition	18
Private Reprimand (Public information)	1
Public Reprimand	22
Suspension	33
Disbarment	25
Other Disposition (death of lawyer)	17
Dispositions by referral to other agencies, letters of caution, sanctions and other	269
Total complaints concluded	1259
Complaints pending as of June 30, 2003	740

2.4.3 Other Key Measures of Performance

There are approximately 70 attorneys, located statewide, appointed by the Supreme Court to assist ODC. These attorneys serve on a pro bono, unpaid basis. These attorneys enable approximately a third of the complaints to be handled at the local level, which is more convenient to the participants. However, ODC trains, mentors and, as necessary, assists these attorneys.

ODC has automated case management systems for both Commissions. These systems enable ODC to track cases from the outset through conclusion and generate management reports.

Members of the ODC legal staff participated as speakers at Continuing Legal Education programs and the Bridge the Gap Program at the Law School. Legal staff members also provide support for the Client Assistance Program of the South Carolina Bar, the Lawyers Fund for Client Protection, the Resolution Fee Dispute Board of South Carolina Bar, and Attorneys Appointed to Protect Client's Interest due to death or incapacity of a lawyer or a lawyer being placed on interim suspension.

The ability of ODC to protect the public when information regarding financial irregularities or other serious misconduct or incapacity by an attorney or judge is received is reflected in its ability to file a

petition for an order suspending the attorney from practice or the judge from presiding over court within days of receipt of the information. This safety measure is part of the weekly operations (performance) of ODC.

2.5 Circuit Court (General Sessions and Common Pleas) and Family Court

Benchmarks have been established to meet the parties' need to have cases decided within a reasonable amount of time, depending on the type of court. The target time for processing a case in General Sessions court (benchmark) is resolution within 180 days of filing. The benchmark for a case filed in Common Pleas court is 365 days from date of filing. Cases filed in Family Court have a benchmark of 270 days.

Figures 2.5-1, 2.5-2 and 2.5-3 show this year's results of the judicial circuits according to the benchmarks:

General Sessions Circuits Meeting Benchmark:	0 of 16
Common Pleas Circuits Meeting Benchmark:	3 of 16
Family Court Circuits Meeting Benchmark:	9 of 16

Figure 2.5-1: General Sessions Benchmarks by Circuit

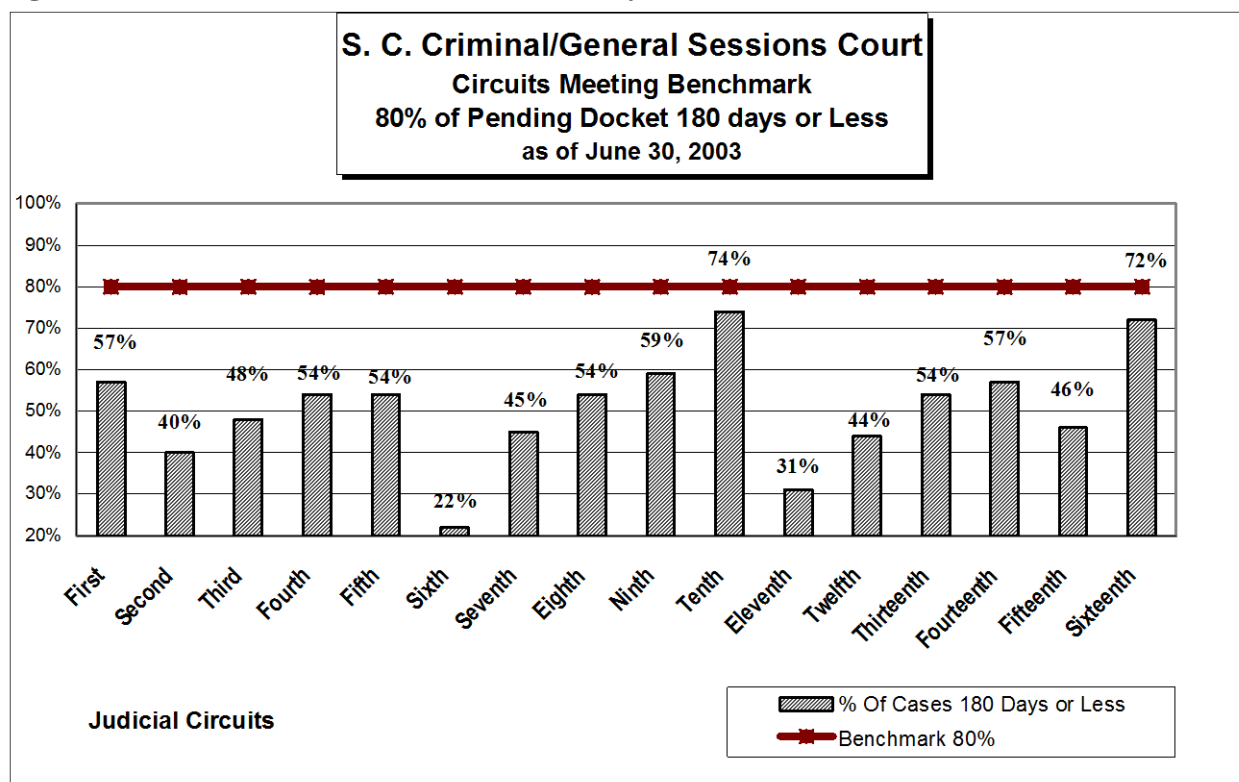


Figure 2.5-2: Common Pleas Benchmarks by Circuit

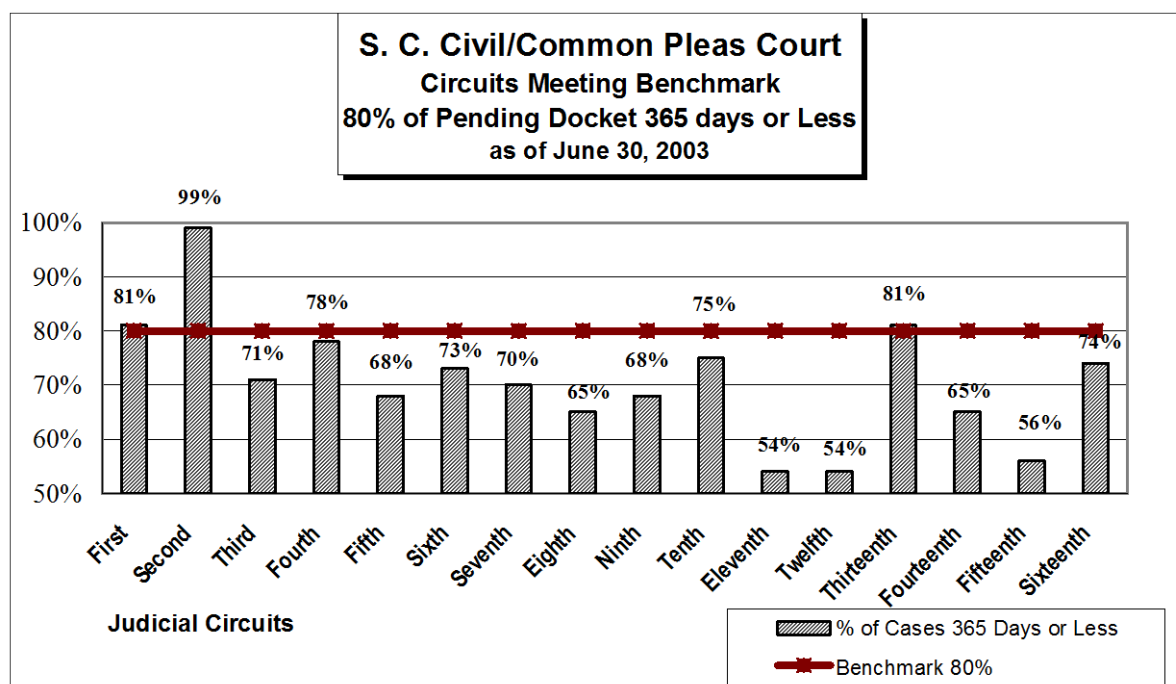
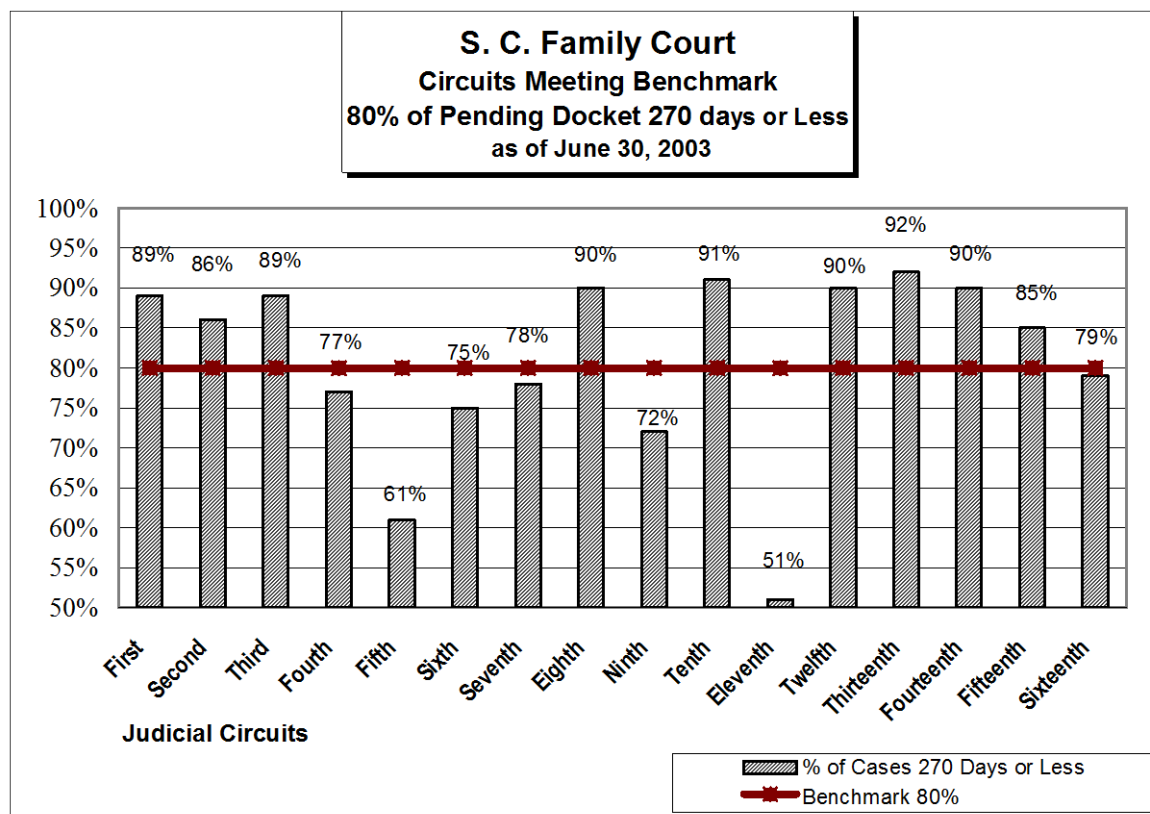


Figure 2.5-3: Family Court Benchmarks by Circuit



The ability of the judicial circuits to meet the caseload benchmarks has been severely hampered this year due to the state financial crisis. The budget reductions have eliminated the constitutionally-

required rotation of judges, with a few exceptions, and have drastically limited the use of retired judges. In addition, circuit court law clerk vacancies were unable to be filled and the need for family court law clerks was once again unable to be addressed. Some individual special projects were held in the trial courts throughout the year to address the caseload backlog problems and are noted in other sections of this report; however, these successes were not enough to carry the overall state benchmarks into the satisfactory range. Essentially, the trial courts have now been cut due to the budget reductions to the point that it is nearly impossible to meet the nationally accepted judicial standards.

The Judicial Department remains committed to its mission and continues to explore new management and technology solutions; however, a minimal level of resources (and finances) are required to operate the Judicial Branch in a satisfactory manner.

Table 2.5-1: Terms of Court

YEAR	COMMON PLEAS	GENERAL SESSIONS	TOTAL CIRCUIT COURT	FAMILY COURT
1997/98	895.8	861.8	1757.6	2088.8
1998/99	991.4	870.0	1861.4	2176.6
1999/00	1057.2	892.2	1949.4	2220.2
2000/01	1007.2	887.7	1894.9	2213.7
2001/02	956.6	893.2	1849.8	2137.9
2002/03	941.2	888.2	1829.4	2194.4

Figures 2.5-4, 2.5-5 and 2.5-6 show that, overall, the number of cases disposed of are increasing or holding steady, indicating that resources are being allocated to address court caseloads.

Figure 2.5-4: General Sessions Cases

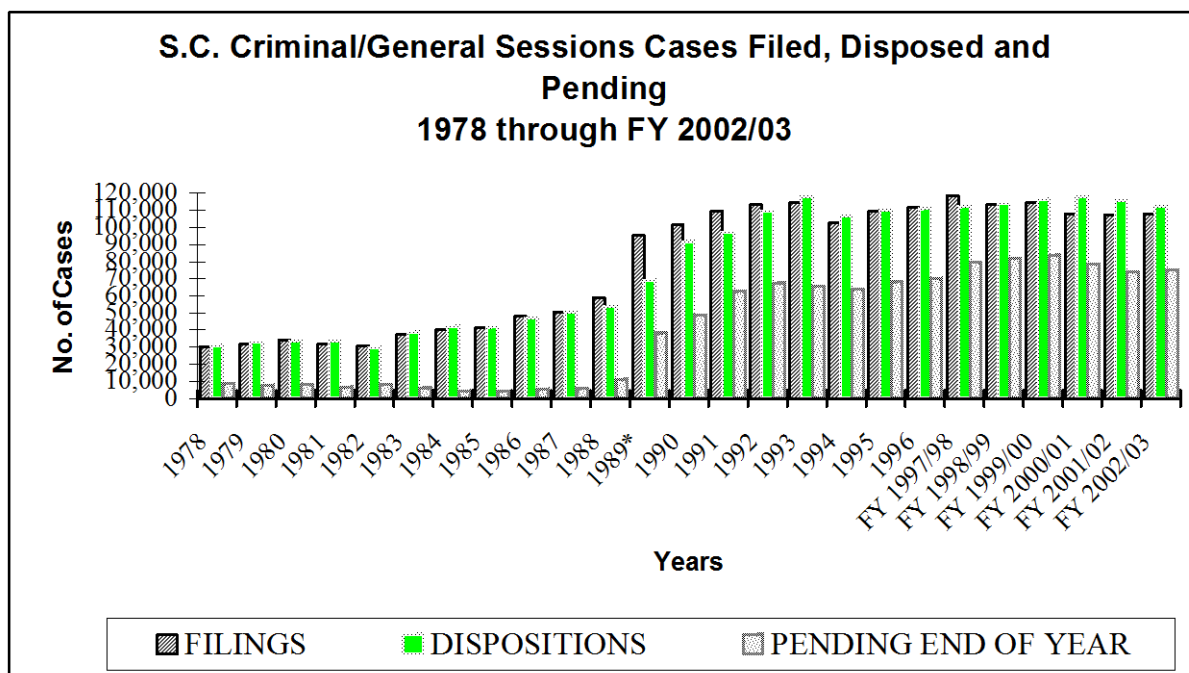


Figure 2.5-5: Common Pleas Cases

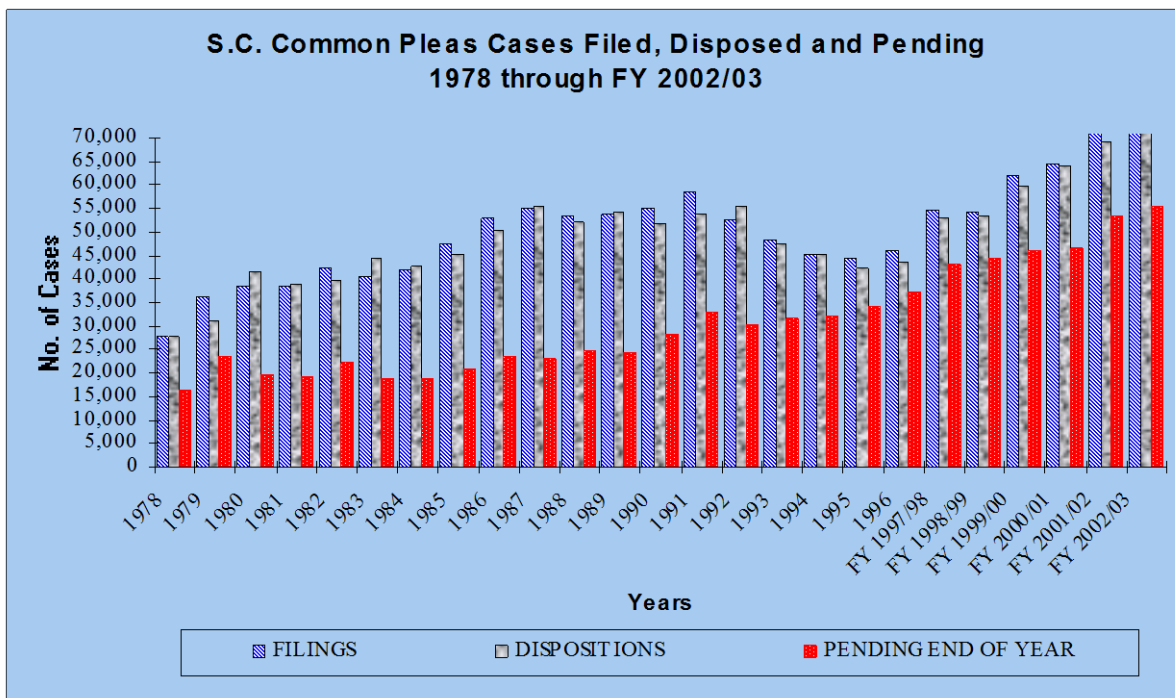
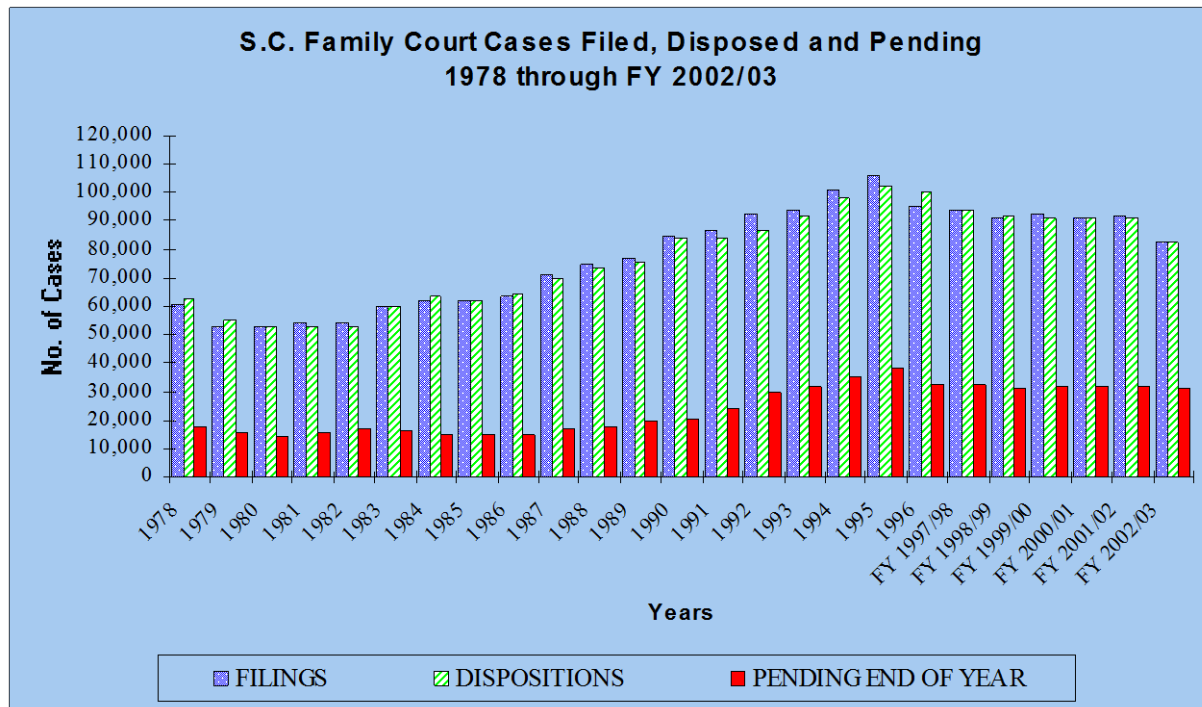


Figure 2.5-6: Family Court Cases



2.5.1 Other Key Measures of Performance

As by-products of Judicial Department technology initiatives, the paradigm, culture, and the mindset of the Judicial Branch are being altered, resulting in changes at the local level that are impacting court operations. By facilitating communication through electronic dissemination of reports, its presence on the Internet, and partnerships with other state and local agencies, the Judicial Department has seen significant improvements. Many operations such as posting and distribution of court rosters, court calendars, judicial procedure manuals, forms, and monthly caseload reports now occur online through the Web and just one or two years ago, these operations were all hardcopy and manual processes. The increase in accuracy and timeliness of the information received and disseminated by the Judicial Department is in addition to the direct monetary savings to counties and the state, which is estimated to be in the range of hundreds of thousands of dollars.

2.6 Office of Court Administration Performance Levels and Trends

A brief review of program accomplishments by work groups within Court Administration is as follows:

2.6.1 Court Services

The Court Services staff continuously works to preserve the integrity of the information contained in the Clerk of Court Manual by assigning specific staff members the responsibility to monitor relevant chapters and forms within their area of expertise. Updates to the Clerk of Court Manual occur frequently as a result of changes to court rules, statutes and administrative orders. These changes often require revisions to procedural guidelines outlined in the manual as well as revisions to Supreme Court-approved forms. Numerous procedural guidelines and forms have been revised

with immediate updates to the manual. The Clerk of Court Manual is available to Judicial Branch customers and stakeholders through the Judicial Department's Web site.

The Court Services staff provided assistance to trial court staff and clerks of court through on-site visits and training. The court services representative visited each clerk of court's office at least once during the year to review files to ensure statutory compliance and to provide assistance in document processing and procedures. The court services representative also performed on-site verifications at each county probate court, physically examining case files in the last fiscal year.

The circuit, family, and court services representatives met with advisory committees on a quarterly basis to address issues related to their area of concern. Orientation schools for new family court, circuit court, and probate court judges were planned and coordinated. In accordance with the value of teamwork, Court Services, working with other members of the Judicial Department, planned and coordinated the New Law Clerks Seminar and the annual Judicial Conference, which included 250 participants. Judicial Education Scholarship funding was obtained for 13 judges. Periodic notifications were sent to judges informing them of various judicial education opportunities. On-site training was provided to three newly elected county clerks of court.

Court Services staff responds to inquiries involving court policy and procedures and researches legal authorities for clarification of issues for many customers and stakeholders. In the past year, approximately 60 circuit court-related inquiries by telephone were resolved each month. Additionally, each month staff processed and responded to approximately 30 written inquiries from inmates alone. Court Services provides limited administrative assistance to the Commission on Alternative Dispute Resolution, currently under the management of the South Carolina Bar.

Through collaborative efforts with SLED, the Orders of Protection from Domestic Abuse for magistrate and family court were revised, enhancing the safety for victims and enforceability by law enforcement.

2.6.2 Court Reporting

The Court Reporting staff is responsible for ensuring that an official state court reporter is assigned to each term of Circuit and Family Court. In addition, this staff monitors the production of transcripts requested, ensuring that court reporters are in compliance with the time limits set by Order of the Supreme Court.

Court reporter transcript production is monitored closely, and court reporters are expected to deliver transcripts on a timely basis. Only court reporters expressing an interest in reporting death penalty cases are assigned to those cases. The number of transcripts pending with more than a third extension is nominal. Many of the Department's court reporters are expressing an interest in becoming Realtime proficient. Currently, one court reporter holds the National Realtime Certified designation and several are Realtime Qualified. In a collaborative effort with the Department's Information Technology staff, avenues are being explored to make Realtime court reporting more available among Judicial Department court reporters.

2.6.3 Summary Court Services

Many of the Summary Court judges are not attorneys, nor do they have law clerks. Court Administration's two staff attorneys and summary court representative provide the necessary support for these courts to operate within the requirements of court rules and state laws. The Summary Court Services staff also conducts a two-week mandatory orientation school for new judges twice a year. This year, 55 new judges were enrolled. The certification examination was administered to 170 new appointees, as required by state law, with 139 appointees passing the examination. The staff implemented a preparatory examination to test basic skills of all prospective magistrates. The Summary Court Services staff, in conjunction with the Magistrate Advisory Council, developed a two-year intensive education program for sitting magistrates, with approximately 40 judges participating. Staff also collaborated with the IT Division in converting and maintaining the Magistrates' Benchbook from paper media to electronic format, which is now available on the Judicial Department's web site.

3. What are your performance levels and trends for the key measures of employee satisfaction, involvement and development?

Once again, this past year was a difficult financial year statewide, resulting in employees not receiving pay increases in more than two years. In spite of this fact, employee turnover rates still indicate a high rate of job satisfaction in the Judicial Department. Table 3-1 reflects the Judicial Department's very stable work force and low overall turnover rate, which is less than 6%. Also, most permanent employees have been employed by the Judicial Department for more than 10 years, and several employees have been employed by the Judicial Department for more than 25 years.

Table 3-1: Judicial Department Employee Turnover

	FY 99-00			FY00-01			FY 01-02			FY 02-03		
	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover
Supreme Court	48	7	14.58%	48	8	16.67%	48	6	12.50%	48	7	14.58%
Circuit Court	205	57	27.80%	205	58	28.29%	205	61	29.76%	205	51	24.88%
Family Court	166	7	4.22%	166	10	6.02%	166	6	3.61%	166	8	4.82%
Court Administration	25	5	20.00%	25	2	8.00%	25	1	4.00%	24	5	20.83%
Appeals Court	62	15	24.19%	62	18	29.03%	62	14	22.58%	62	22	35.48%
Disciplinary Counsel	14	1	7.14%	14	0	0.00%	14	1	7.14%	15	2	13.33%
Finance & Personnel	15	0	0.00%	15	2	13.33%	15	0	0.00%	15	1	6.67%
Information Technology	21	3	14.29%	21	4	19.05%	21	4	19.05%	21	0	0.00%
	556	95	17.09%	556	102	18.35%	556	93	16.73%	556	96	17.27%
Less Retirees & Non-Career Employees	(66)	(66)		(75)	(75)		(75)	(75)		(71)	(71)	
Less Vacancies	(26)			(26)			(34)			(35)		
	464	29	6.25%	455	27	5.93%	447	18	4.03%	450	25	5.56%

The Judicial Department hires approximately 60 law clerks and staff attorneys for a one- or two-year term. These employees generally fulfill their terms and are given very challenging responsibilities and opportunities to observe and participate in the judicial process that few of their law school contemporaries will ever have. Further, among lawyers working for the Judicial Department, there is frequently movement between law clerks for trial court judges and law clerks

and staff attorneys at the appellate level. This flexibility gives young attorneys the opportunity to experience the Judicial Department's work from more than one vantage point and develop diverse skills that will benefit those seeking legal assistance from these attorneys when the terms expire.

The Judicial Department actively seeks to develop the skills of its employees. For its employees that are lawyers, the Supreme Court provides training during the annual Judicial Conference, during a separate training seminar and through monthly continuing education programs for appellate law clerks and staff attorneys.

As technology is further incorporated into everyday Judicial Department processes, training and development keep pace. All employees are required to complete training to improve their technical skills. As the Judicial Department standardizes its technology applications, employees are required to complete training in those applications and, where necessary, employees receive additional training such as training on the operation of scanning equipment and computer generation of rosters and court calendars.

4. What are your performance levels and trends for the key measures of supplier/contractor/partner performance?

The Judicial Department has solidified its leadership role within the South Carolina Criminal Justice Information System (CJIS). Judicial Department personnel participate and serve as speakers at state and national criminal justice meetings, conferences, and other public events.

With the incorporation of technology into Judicial Branch day-to-day operations, the Judicial Department continues to partner with a systems integrator, BearingPoint. The Judicial Department works with this systems integrator to determine which court operations are appropriate to target for automation, to select the appropriate technologies to be used to address specific needs and to set priorities. As technology is being incorporated into court operations, some of the measures of performance include costs savings due to the elimination of manual processing and paper, increase in timeliness and accuracy of information exchange, and the ease of performing a service with technology versus performing the function manually. Feedback given directly about the systems integrator to the Judicial Department Executive Team from the entities which comprise the Judicial Branch, the numerous project teams, task forces, committees, the counties, and other state agencies are used as key measures. Because the technology initiatives are still in their infant stage, the two greatest measurements of these efforts are the following:

- The Judicial Department has received more than \$4 million in federal funds for the technology efforts. For next year the Judicial Department has been awarded an additional \$7.2 million in federal funds for court technology initiatives. These funds would not be available to the Judicial Department without the development of these technology initiatives and would not be renewed by federal grant administrators, as they just recently were, if they were not being perceived as successful.
- The changing culture and mindset of the Judicial Branch and the cooperation of county and state judicial personnel that began with the onset of these technology initiatives is unprecedented. The informal feedback received and the willingness and requests to participate in Judicial Branch initiatives are the primary indicators of success in this area.

5. What are your performance levels and trends for the key measures of regulatory/ legal compliance and citizenship?

The Judicial Department recognizes the responsibility given to it to be a good steward of taxpayer dollars invested in the Judicial Department for human resources and for operating expenses. During the past eight years, the Judicial Department has had its financial records examined by the Office of the State Auditor five times. There have been informal suggestions, which have been implemented. However, there have been no audit findings. The State Auditor is performing an examination of Judicial Department records as this report is being prepared. The Judicial Department anticipates no adverse findings from this examination.

During this same time period, the Judicial Department has been examined three times by the Budget and Control Board Employee Insurance Program to determine compliance with the South Carolina State Employees insurance program. There have been no exceptions noted. The Judicial Department has also been audited twice by the Budget and Control Board Materials Management Office to determine compliance with the South Carolina consolidated procurement code and with Budget and Control Board policy. Two suggestions were implemented after the examination for the period ending December 31, 1997. Subsequent examinations have resulted in no suggestions for improvement.

The Judicial Department began filing an annual plan and report with the Governor's Office of Small and Minority Business Assistance (OSMBA) in 1998. Goals have been set in this program for that and every subsequent year. The Judicial Department strives not only to meet goals, but also to exceed them as the Consolidated Procurement Code allows. Our report for the past year and our plan for the current year have been accepted and approved by the Governor's Office.

The Judicial Department is now the recipient of federal grants. As a result, the Judicial Department has been required to file an indirect costs recovery plan with the Grantor. From information received by the Judicial Department, not only was it unusual for the plan to have been accepted on its initial submission, but it has also been praised as an example of how such a plan should be constructed and presented. As a result, granting organizations are more receptive to subsequent requests, and this has helped obtain additional federal funding.

6. What are your current levels and trends of financial performance?

As with nearly all other state entities, the Judicial Department is in the position of striving to fulfill its mission at the same time the state is realizing a severe shortage in funding. The Judicial Department continues to strive for excellence as it fulfills its mission and continues to grow into a more effective organization. Under the leadership of the Chief Justice, the Judicial Department has avoided laying off employees during these current difficult financial times.

Thanks to the insight of the Legislature, the Judicial Department has developed alternative sources of revenue to help it through these tight budgetary times. The Judicial Department continues to work with the County Clerks of Court and the County Treasurers to realize this source of funding. Even as such, the increase in fees and assessments enacted by the Legislature and collected for the Judicial Department amounts to less than 10% of the Judicial Department budgetary needs. Taking into consideration the fixed amounts, which cannot be cut, the effective reductions to the Judicial Department has been more than 39% over the past three years.

The Judicial Department has also remained dedicated to the advancement of its mission through technology. The Judicial Department believes that by investing in human resources and technology, it will grow into a more responsive and cost effective organization. In order to do this, the Judicial

Department has actively sought out sources of funding to enhance the funding provided by the general fund of South Carolina. Through the efforts of the Chief Justice, Information Technology Director and the Judicial Department's systems integrator, the Judicial Department has achieved a significant growth in federal funding at the same time State funding has been declining as illustrated in Figures 6-1, 6-2 and 6-3. This federal funding is restricted to building technology infrastructure and cannot be used for general operations. These federal grant projects have enabled the Judicial Department to continue its modernization vision with technology during the state's fiscal crisis.

Figure 6-1: State Appropriations

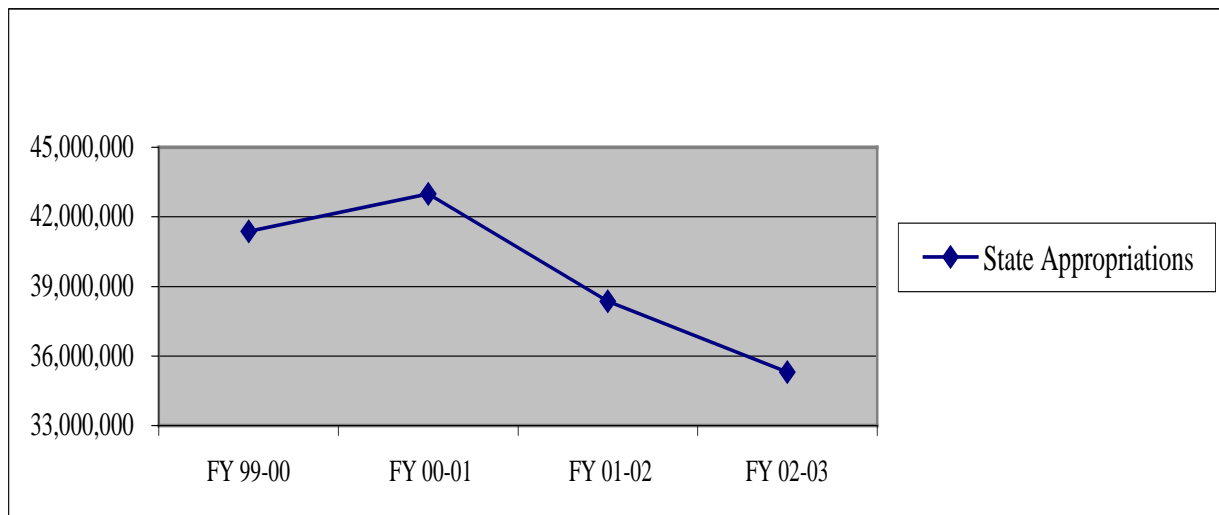


Figure 6-2: Federal Funding

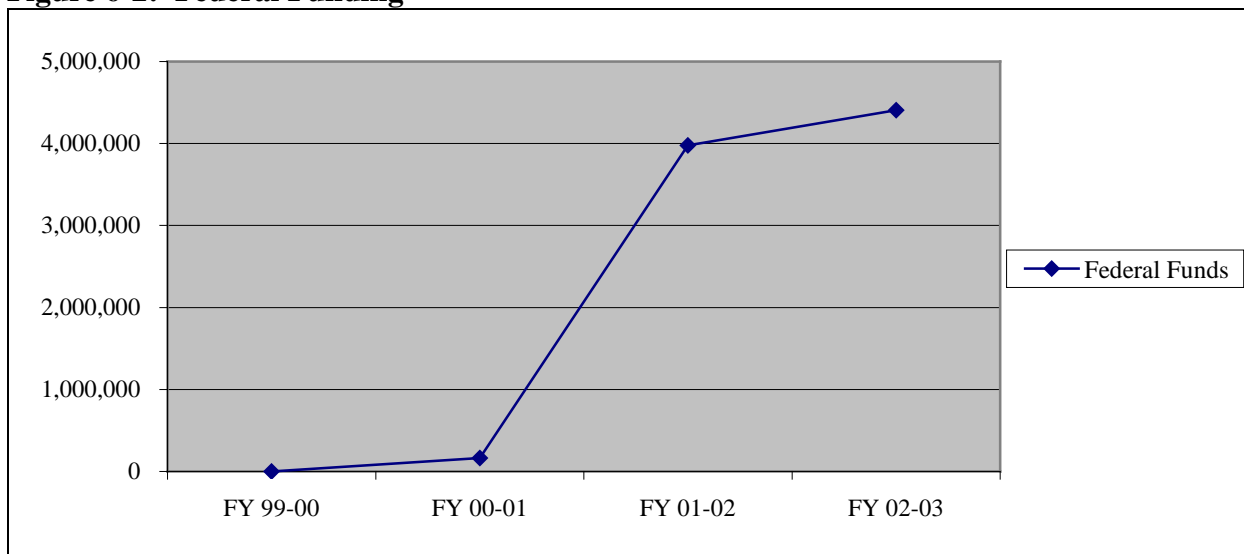


Figure 6-3: Judicial Department Sources of Revenue

